This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

BRARIES
24023 3

TREATIES,

CONVENTIONS, AND ENGAGEMENTS,

FOR

THE SUPPRESSION

OF

THE SLAVE TRADE.

NEW YORK
PUBLIC
LIBRARY

LONDON:
PRINTED BY T. R. HARRISON.
1844.

THE NEW YORK
PUBLIC LIBRARY
99178
ASTOR, LENOX AND
TILDEN FOUNDATIONS.
1895.

NEW YORK
PUBLIC
LIBRARY

CONTENTS.

				PAGE
Netherlands, Treaty with	The Hague,	May 4,	1818	279
—— Explanatory and Additional Articles to Treaty with	The Hague,	Dec. 31, / Jan. 25,	1822 / 1823	303 / 305
—— Additional Article to Treaty with	The Hague,	Feb. 7,	1837	308
Muscat, Treaty with	Muscat,	Sept. 10,	1822	274
—— Additional Articles to Treaty with	Muscat,	Dec. 17,	1839	277
—— Article on Slave Trade, in Convention of Commerce	Muscat,	May 31,	1839	277
Sweden and Norway, Treaty with	Stockholm,	Nov. 6,	1824	422
—— Additional Article to Treaty with	Stockholm,	June 15,	1835	479
Brazil, Convention with	Rio de Janeiro,	Nov. 23,	1826	122
—— Treaty with Portugal,	Vienna,	Jan. 22,	1815	124
—— Convention with Portugal	London,	July 28,	1817	128
—— Separate Article to Convention with Portugal		Sept. 11,	1817	147
—— Additional Articles to Convention with Portugal	Lisbon,	March 15,	1823	149
France, Convention with	Paris,	Nov. 30,	1831	204
—— Supplementary Convention with	Paris,	March 22,	1833	209
Denmark, Treaty with	Copenhagen,	July 26,	1834	197
Sardinia, Treaty with	Turin,	Aug. 8,	——	385
Spain, Treaty with	Madrid,	June 23,	1835	401
Hanse Towns, Convention with	Hamburgh,	June 8,	1837	327
Tuscany, Convention with	Florence,	Nov. 24,	——	497
Two Sicilies, Convention with	Naples,	Feb 14,	1838	504
Chile, Convention with	Santiago,	Jan. 19,	1839	151
—— Additional Convention with	Santiago,	Aug. 7,	1841	193
Venezuela, Treaty with	Caracas,	March 15,	1839	573
Argentine Confederation, Treaty with	Buenos Ayres,	May 24,	——	1

				PAGE
Uruguay, Treaty with	Montevideo,	July 13,	1839	511
Hayti, Treaty with	Portau Prince,	Dec. 23,	——	234
Bolivia, Treaty with	Sucre,	Sept. 25,	1840	80
Texas, Treaty with	London,	Nov. 16,	——	481
Mexico, Treaty with	Mexico,	Feb. 24,	1841	241
Austria, Prussia, Russia, Treaty with	London,	Dec. 20,	——	43
Portugal, Treaty with	Lisbon,	July 3,	1842	311
—— Additional Article to Treaty with....	Lisbon,	Oct. 22,	1842	382

NEW YORK
PUBLIC
LIBRARY

TREATIES, CONVENTIONS,

AND

ENGAGEMENTS,

FOR THE

SUPPRESSION OF THE SLAVE TRADE.

ARGENTINE CONFEDERATION.

TREATY *between Her Majesty and the Argentine Confederation, for the abolition of the Slave Trade.—Signed at Buenos Ayres, May* 24, 1839.

Treaty between Great Britain and the Argentine Confederation, for the abolition of the Traffic in Slaves.

[Ratifications exchanged at Buenos Ayres, May 16, 1840.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Argentine Confederation, being equally animated by a sincere desire to cooperate for the utter extinction of the infamous and piratical Traffic in Slaves, have resolved to conclude a Treaty for the special purpose of attaining this object, so far as relates to the total and final abolition of the Slave Trade in the Argentine Confederation; and have respectively named for this purpose, as their Plenipotentiaries, to wit: John Henry Mandeville, Esq., Her said Majesty's Minister Plenipotentiary to the United Provinces of the Rio de la Plata; and Señor Don Felipe de Arana, Minister for Foreign Affairs, and member of the Council; who, having duly communicated to each other their respective full powers, and found them to be in proper form, have agreed upon and concluded the following Articles:—

ARTICLE I. The Slave Trade having been legally abolished throughout the territories of the Argentine Confederation, is hereby declared to be henceforward and for ever totally prohibited to all the citizens of the said Republic, in all parts of the world.

Article II. The Argentine Confederation hereby engage that immediately after the exchange of the ratifications of the present Treaty, and from time to time afterwards, as may become needful, they will take the most effectual measures for preventing the citizens of the said Republic from being concerned, and the flag of that Republic from being used, in carrying on, in any way, the Trade in Slaves; and the said Republic especially engages that, within two months after the above-mentioned exchange of ratifications, they will renew the promulgation, throughout the territory of the Republic, of the penal law, by which the Slave Trade has been declared piracy; and that the punishment attached to piracy shall be inflicted on all those citizens who shall, under any pretext whatever, take any part whatever in the Traffic of Slaves.

Article III. In order more completely to accomplish the object of the present Treaty, the two High Contracting Parties mutually consent that those ships of their navies respectively, which shall be provided with special instructions for that purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in the Traffic in Slaves, or of having been fitted out for the purposes thereof, or of having, during the voyage in which they are met with by the said cruizers, been engaged in the Traffic in Slaves, contrary to the provisions of this Treaty; and that such cruizers may detain, and send or carry away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

Article IV. In order to regulate the mode of carrying the provisions of the preceding Article into execution, it is agreed: First, that all ships of the navies of the two nations, which shall hereafter be employed to prevent the Traffic in Slaves, shall be furnished by their respective Governments with a copy, in the English and Spanish languages, of the present Treaty: of the Instructions for cruizers annexed thereto, letter A; and of the regulations for the Mixed Courts of Justice, annexed thereto, letter B; which Annexes shall be considered as integral parts of the Treaty.

Secondly. That each of the High Contracting Parties shall, from time to time, communicate to the other the

names of the several ships which have been furnished with such Instructions, the force of each ship, and the names of their several commanders.

Thirdly: That if, at any time, there shall be just cause to suspect that any merchant vessel, sailing under the flag of either nation, and proceeding under the convoy of any ship or ships of war of either of the Contracting Parties, is engaged, or is intended to be engaged, in the Traffic in Slaves, or is fitted out for the purposes thereof, or has, during the voyage on which she may be met with, been engaged in the Traffic in Slaves, it shall be lawful for the commander of any ship of the Royal Navy of Great Britain, or of the navy of the Argentine Confederation, furnished with such Instructions as aforesaid, to communicate his suspicions to the commander of the convoy, who, accompanied by the commander of the cruizer, shall proceed to the search of the suspected vessel; and in case the suspicions appear well founded, according to the tenor of this Treaty, then the said vessel shall be conducted or sent to one of the points where the Mixed Courts of Justice are stationed, in order to undergo the sentence applicable to the case.

Fourthly; It is further mutually agreed, that the commanders of the ships of the two navies respectively, who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid Instructions.

Article V. As the two preceding Articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects or citizens may incur by the arbitrary and illegal detention of their vessels; it being understood that this indemnity shall invariably be borne by the Government whose cruizer shall have been guilty of such arbitrary and illegal detention. It is further agreed, that the visit and detention of vessels specified in the IIIrd Article of this Treaty, shall be effected only by those British or Argentine ships which may form part of the navies (royal and national) respectively of the two High Contracting Parties to this Treaty; and by such ships only of those navies as shall be provided with the special Instructions annexed to the present Treaty.

The compensation for damages mentioned in this Article shall be made within the term of one year, reckoned from the day on which the Mixed Court of Justice pronounces sentence on the vessel, for the detention of which such compensation is claimed.

Article VI. In order to bring to adjudication, with as little delay and inconvenience as possible, vessels which may be detained according to the tenor of the IIIrd Article of this Treaty, there shall be established, within the space of a year at furthest from the exchange of the ratifications of the present Treaty, two Mixed Courts of Justice, formed of an equal number of individuals of the two nations, named for this purpose by the two High Contracting Parties respectively.

These Courts shall reside, one in a possession belonging to Her Britannic Majesty, the other within the territories of the Argentine Confederation; and the two Governments, at the period of the exchange of the ratifications of the present Treaty, shall declare, each for its own territories, in what places the said Courts shall respectively reside; each of the two High Contracting Parties reserving to itself the right of changing, at its pleasure, the place of residence of the Court held within its own territories; provided, however, that one of the two Courts shall always be held upon the coast of Africa and the other in the territory of the Argentine Confederation.

These Courts shall judge the causes submitted to them according to the provisions of the present Treaty, without appeal, and in conformity with the Regulations and Instructions which are annexed to the present Treaty, and which are considered as forming an integral part thereof.

Article VII. If the commanding officer of any of those ships of the navies of Great Britain and of the Argentine Confederation respectively, which shall be duly provided with Instructions according to the provisions of the IIIrd Article of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby, shall be entitled to demand reparation; and, in such case, the Government to which such commanding officer may belong, binds itself to cause

ıquiry to be made into the subject matter of the complaint, nd to inflict upon the said officer a punishment proporoned to any wilful transgression which he may have ɔmmitted.

Article VIII. It is hereby further mutually agreed, that very merchant vessel, British or Argentine, which shall e visited by virtue of the present Treaty, may lawfully be etained, and be sent or brought before the Mixed Courts f Justice established in pursuance of the provisions ıereof, if in her equipment there shall be found any of ıe things hereinafter mentioned, namely:—

First: Hatches with open gratings, instead of the close atches which are usual in merchant vessels.

Secondly: Divisions or bulkheads in the hold or on eck, in a greater number than are necessary for vessels ıgaged in lawful trade.

Thirdly: Spare plank fitted for being laid down as a ɔcond or Slave-deck.

Fourthly: Shackles, bolts, or handcuffs.

Fifthly: A larger quantity of water, in casks or in tanks, ıan is requisite for the consumption of the crew of the ɔssel as a merchant vessel.

Sixthly: An extraordinary number of water casks, or f other receptacles for holding liquid; unless the master ıall produce a certificate from the custom-house at the lace from which he cleared outwards, stating that sufficient security had been given by the owners of such merıant vessels, that such extra quantity of casks, or of other ɔceptacles, should only be used for the reception of palm l, or for other purposes of lawful commerce.

Seventhly: A greater quantity of mess tubs or kids, ıan are requisite for the use of the crew of the vessel as a ıerchant vessel.

Eighthly: A boiler or other cooking apparatus of an ıusual size, and larger, or fitted for being made larger, ıan requisite for the use of the vessel as a merchant ɔssel; or more than one boiler or other cooking apparatus the ordinary size.

Ninthly: An extraordinary quantity of rice; of the ɔur of Brazil, manioc, or casada, commonly called farina maize; of Indian corn, or of any other article of food

whatever, beyond what might probably be requisite for the use of the crew of the vessel; such rice, flour, maize, Indian corn, or other article of food, not being entered on the manifest, as part of the cargo for trade.

Tenthly: A quantity of mats or matting, greater than is necessary for the use of the crew of the vessel as a merchant vessel.

Any one or more of these several things, if proved to have been found on board, shall be considered as *primâ facie* evidence of the actual employment of the vessel in the Slave Trade; and the vessel shall thereupon be condemned and be declared lawful prize, unless clear and incontestible evidence on the part of the master or owners shall establish, to the satisfaction of the Court, that such vessel was, at the time of her detention or capture, employed in some legal pursuit; and that such of the several things above enumerated, as were found on board at the time of her detention, or which had been put on board her on the voyage on which she was proceeding when captured, were needed for legal purposes on that particular voyage.

Article IX. If any of the things specified in the preceding Article shall be found in any merchant vessel, no compensation for losses, damages, or expenses, consequent upon the detention of such vessel, shall in any case be granted, either to her master or to her owner, or to any other person interested in her equipment or lading, even though the Mixed Court of Justice should not pronounce any sentence of condemnation in consequence of her detention.

Article X. It is hereby agreed between the two High Contracting Parties, that in all cases in which a vessel shall be detained, under this Treaty, by their respective cruizers, as having been engaged in the Slave Trade, or as having been fitted out for the purposes thereof, and shall consequently be adjudged and condemned by the Mixed Courts of Justice to be established as aforesaid, the said vessel shall, immediately after condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

Article XI. The Negroes who are found on board of a vessel which has been detained by a cruizer, and has been

condemned by the Mixed Courts of Justice, in conformity with the stipulations of this Treaty, shall be placed at the disposal of the Government whose cruizer made the capture; on the distinct understanding that they shall be immediately set at liberty, and shall be thenceforward kept free. The two High Contracting Parties respectively guarantee the full and permanent liberty of such Negroes; and, with a view of ensuring the due execution of the Treaty in this respect, they each engage to afford from time to time, and whenever required to do so by the other High Contracting Party, the fullest information as to the state and condition of such Negroes.

The Regulations letter C., annexed to this Treaty, as to the treatment of Negroes liberated by sentence of the Mixed Courts of Justice, are declared to form an integral part of this Treaty.

The two High Contracting Parties reserve to themselves the right to alter or suspend by common consent, but not otherwise, the terms of such Regulations.

Article XII. The Annexes to this Treaty, which it is mutually agreed shall form an integral part thereof, are as follows:—

A. Instructions for the ships of the navies of both nations, employed to prevent the Traffic in Slaves.

B. Regulations for the Mixed Courts of Justice, which are to hold their sittings on the coast of Africa, and in one of the possessions of the Argentine Republic.

C. Regulations for the treatment of liberated Negroes.

Article XIII. The present Treaty, consisting of thirteen Articles, shall be ratified, and the ratifications thereof shall be exchanged at Buenos Ayres as soon as possible within the space of eight months from this date.

In witness whereof the respective Plenipotentiaries have signed, in duplicate originals, English and Spanish, the present Treaty, and have thereunto affixed the seal of their arms.

Done at Buenos Ayres, this twenty-fourth day of May, in the year of our Lord one thousand eight hundred and thirty-nine.

(L.S.) J. H. MANDEVILLE.
(L.S.) FELIPE ARANA.

ANNEX A, *to the Treaty between Great Britain and the Argentine Confederation, for the abolition of the Slave Trade of the Argentine Confederation.*

Instructions for the Ships of the British and Argentine Navies employed to prevent the Traffic in Slaves.

ARTICLE I. The commander of any ship belonging to the navy of Her Britannic Majesty, or of the Argentine Confederation, which shall be furnished with these Instructions, shall have a right to visit, search, and detain any British or Argentine merchant vessel which shall be actually engaged, or which shall be suspected to be engaged, in the Slave Trade, or to be fitted out for the purposes thereof, or to have been engaged in the Traffic in Slaves during the voyage in which she may be met with by such ship of the British or Argentine navy; and such commander shall thereupon bring or send such merchant vessel, as soon as possible, for judgment before that Mixed Court of Justice, established in virtue of the VIIth Article of the said Treaty, which shall be the nearest to the place of detention, or which such commander shall, upon his own responsibility, think can be soonest reached from such place.

Article II. Whenever a ship of either of the said navies, duly authorized as aforesaid, shall meet a merchant vessel liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of a lieutenant in the navy of Great Britain, or in that of the Argentine Republic respectively (unless the command shall, by reason of death, or otherwise, be held by an officer of inferior rank); or by the officer who, at the time, shall be second in command of the ship by which the search is made.

Article III. The commander of any ship of the two navies, duly authorized as aforesaid, who may detain any merchant vessel in pursuance of the present Instructions, shall leave on board the vessel so detained, the master,

the mate or boatswain, and two or three, at least, of the crew thereof, the whole of the Slaves, if any, and all the cargo.

The captor shall, at the time of detention, draw up, in writing, an authentic declaration, which shall exhibit the state in which he found the detained vessel; and such declaration shall be signed by himself, and shall be given in or sent, together with the captured vessel, to the Mixed Court of Justice, before which such vessels shall be carried or sent for adjudication.

The captor shall deliver to the master of the detained vessel, a certified list of the papers seized on board the same, as well as a statement of the number of Slaves found on board at the moment of detention.

In the authenticated declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, he shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have taken place, and the number of Slaves found on board the vessel at the time of detention.

The officer in charge of the vessel detained, shall, at the time when he brings the vessel's papers into the Mixed Court of Justice, deliver into the court a paper, signed by himself, and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the Slaves (if any), and her cargo, between the period of her detention and the time of delivering in such paper.

Article IV. The Slaves shall not be disembarked till after the vessel which contains them shall have arrived at the place of adjudication; and even after the vessel has arrived at such place, they shall not be landed without the permission of the Mixed Court of Justice.

But if urgent reasons, deduced from the length of the voyage, from the state of health of the Slaves, or from other causes, should require that either the whole or a portion of the Negroes should be disembarked or be transshipped before the vessel can arrive at the place at which one of the said Courts is established, or after her arrival there and before adjudication, the commander of the capturing ship may take upon himself the responsibility of so disembarking or transshipping the Negroes, provided that

such necessity, and the causes thereof, be stated in a certificate in proper form, and that this certificate be entered at the time on the log-book of the detained vessel.

The undersigned Plenipotentiaries have agreed, in conformity with the Twelfth Article of the Treaty signed by them on this day, the twenty-fourth day of May, one thousand eight hundred and thirty-nine, that the preceding Instructions, consisting of four Articles, shall be annexed to the said Treaty, and shall be considered as an integral part thereof.

The twenty-fourth day of May, one thousand eight hundred and thirty-nine.

(L.S.) J. H. MANDEVILLE.
(L.S.) FELIPE ARANA.

ANNEX B, *to the Treaty between Great Britain and the Argentine Confederation, for the abolition of the Slave Trade of the Argentine Confederation.*

Regulations for the Mixed Courts of Justice which are to reside on the Coast of Africa, and in the Possessions of the Argentine Confederation.

ARTICLE I.—The Mixed Courts of Justice to be established under the provisions of the Treaty, of which these Regulations are declared to be an integral part, shall be composed in the following manner. Each of the two High Contracting Parties shall name a judge and an arbitrator, who shall be authorized to hear and to decide, without appeal, all cases of the capture or detention of vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them. The judges and the arbitrators shall, before entering upon the duties of their office, respectively make oath before the principal magistrate of the places in which such Courts respectively shall reside, that they will judge fairly and faithfully; that they will have no preference, either for the claimants or the captors; and that in all their decisions they will act in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such Courts, a secre-

tary or registrar, who shall be appointed by the Government of the country within whose territories such Court shall reside; such secretary or registrar shall register all the acts of such Court, and shall, before he enters upon his office, make oath before the Court to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the secretary or registrar of the Court to be established on the coast of Africa, shall be paid by Her Britannic Majesty; and that of the secretary or registrar of the Court to be established in the possessions of the Argentine Confederation, shall be paid by the Government of that Republic.

Each of the Governments shall defray half of the aggregate amount of the incidental expenses of such Courts.

Article II. The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, Slaves, and cargo, and with the execution of the sentence, and all disbursements occasioned by bringing the vessel to adjudication, shall, in case of condemnation, be defrayed out of the funds arising from the sale of the materials of the broken-up vessel, of the ship's stores, and of such parts of the cargo as shall consist of merchandize; and in case the proceeds arising from this sale should not prove sufficient to defray such expenses, then the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor, excepting in the cases specified and otherwise provided for by Article IX of the Treaty to which these Regulations form an Annex, and by Article VII of these Regulations.

Article III. The Mixed Courts of Justice are to decide upon the legality of the detention of such vessels as the cruizers of either nation shall, in pursuance of the said Treaty, detain.

These Courts shall judge, definitively and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these Courts shall take place with as little delay as possible; and for this purpose the Courts are required to decide each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessel shall have been brought into the port where the deciding Court shall reside.

If, in consequence of such proceedings, the vessel whose case is brought before the Court, shall be found to be employed in the Slave Trade, or to have been fitted out for the purposes thereof, such vessel, her cargo of merchandize, and her equipments, shall be condemned by the Court, and shall be declared lawful prize; and any Slaves who may have been put on board such vessel for the purposes of traffic, shall be emancipated.

The final sentence shall not, in any case, be delayed beyond the period of two months, either on account of the absence of witnesses, or for any other reason; except upon the application of any of the parties interested, in which case, if such party or parties shall give satisfactory security that they will take upon themselves the expense and risks of the delay, the Courts may, at their discretion, grant an additional delay, not exceeding four months.

Either party shall be allowed to employ such counsel as he may think fit, to assist him in conducting his cause. All the essential parts of the proceedings of the said Courts shall be written down in one act, in the language of the country in which the Courts shall respectively reside.

Article IV. The form of the process shall be as follows: —the judges appointed by the two Governments respectively, shall, in the first place, proceed to examine the papers of the detained vessel, and to take the depositions of the master or commander, and of two or three, at least, of the principal individuals on board such vessel; as well as the declaration on oath of the captor, should such declaration appear to be necessary, in order to enable them to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid Treaty.

In the event of the two judges not agreeing as to the sentence which they ought to pronounce with respect to the legality of the detention of any vessel, as to the liability of

the vessel to condemnation, as to the compensation to be allowed to the owners, or as to any other question which may arise out of any capture; or if any difference of opinion should arise between them, as to the mode of proceeding in the said Court; they shall, in any such case, draw by lot the name of one of the two arbitrators appointed as is stated in Article I of this Annex; and the arbitrator whose name shall be so drawn shall, after he has considered the proceedings which have taken place, consult with the two above-mentioned judges, and the final sentence or decision shall be pronounced in conformity with the opinion of the majority of the three.

Article V. If the detained vessel shall be restored by the sentence of the Court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same Court, claim to have a valuation made, in order to ascertain the amount of the damages to which he shall be entitled. The captor himself, and, in his default, his Government, shall remain responsible for the damages which may definitively be pronounced to be due to the master of such vessel, or to the owners of the vessel or of her cargo.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the aforesaid Court; it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject or citizen.

Article VI. If a detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, whatever it may be, with the exception of the Slaves who shall have been found on board; and the said vessel, in conformity with the regulations in Article X of the Treaty of this date, shall, as well as her cargo, be sold by public sale, for the profit of the two Governments, subject to the payment of the expenses hereinbefore mentioned.

Each Slave shall receive from the Court a certificate of emancipation, and shall be delivered over to the Government to whom belongs the cruizer which made the capture,

to be dealt with according to the regulations and conditions contained in the Annex to this Treaty, letter C.

Article VII. The commander and the crew of a vessel condemned under this Treaty, and all persons found on board who shall have been accomplices in her Slave Trade undertaking, shall, on condemnation of the vessel, be sent as prisoners to the nearest settlement of the country of which they are subjects or citizens, and shall be there delivered over to the authorities of the place, to be tried according to the laws of their country for the offences which they have committed against those laws. The commander of the cruizer which made the capture of the vessel, shall, on the requisition of the members of the Mixed Courts of Justice, take charge of the commander, the crew, and accomplices on board of the captured vessel, and shall convey them and deliver them over as before mentioned.

The charges incurred for the support and return voyage of the commander, the crew, and the accomplices thus sent as prisoners, shall be defrayed by the Government of which they are the subjects or citizens.

Article VIII. The Mixed Courts of Justice shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed (save as mentioned in a subsequent part of these Regulations, and in Article IX of the Treaty to which these Regulations form an Annex), the Court shall award to the claimant or claimants, or to his or their lawful attorney or attornies, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention; that is to say:

First: In case of total loss, the claimant or claimants shall be indemnified;

a. For the ship, her tackle, equipment, and stores.

b. For all freights due and payable.

c. For the value of the cargo of merchandize, if any,

deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.

d. For all other regular charges in such case of total loss.

Secondly: In all other cases not of total loss, save as hereinafter mentioned, the claimant or claimants shall be indemnified;

a. For all special damages and expenses occasioned to the ship by her detention, and for loss of freight when due or payable.

b. For demurrage according to the schedule annexed to the present Article.

c. For any deterioration of the cargo.

d. For all premiums of insurance on additional risks.

Further, the claimant or claimants shall be entitled to interest at the rate of 5 per cent. per annum, on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs: the whole amount of such indemnification shall be calculated in the money of the country to which the detained vessel belongs, and shall be paid at the rate of exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the judges of the two nations, and without recourse to the decision of an arbitrator, that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel shall, in any such case, not receive for the time of her detention, the demurrage stipulated by the present Article, nor any other compensation for losses, damages, or expenses consequent upon such detention.

Schedule of demurrage or daily allowance for a vessel of

100	tons to	120	inclusive	£5	Per diem.
121	. .	150	. .	6	
151	. .	170	. .	8	
171	. .	200	. .	10	
201	. .	220	. .	11	
221	. .	250	. .	12	
251	. .	270	. .	14	
271	. .	300	. .	15	

And so on in proportion.

Article IX. Neither the judges, nor the arbitrators, nor the secretaries of the Mixed Courts of Justice, shall demand or receive from any of the parties concerned in the cases which shall be brought before such Courts, any emolument or gift, under any pretext whatsoever, for the performance of the duties which such judges, arbitrators, and secretaries have to perform.

Article X. The two High Contracting Parties have agreed, that in the event of the death, sickness, absence on leave, or other legal impediment, of one or more of the judges, or arbitrators composing the above-mentioned Courts, the post of such judge or of such arbitrator shall be supplied, *ad interim*, in the following manner:—

First: On the part of Her Britannic Majesty, and in that Court which shall sit in one of the possessions of Her said Majesty; if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or if the vacancy be originally that of the British arbitrator, the place of such arbitrator shall be filled, successively, by the governor or lieutenant-governor resident in such possession, by the principal magistrate of the same, and by the secretary of the Government; and the said Court, so constituted as above, shall sit, and shall proceed to adjudge all cases brought before them for adjudication, and shall pass sentence accordingly.

Secondly: On the part of Great Britain, and in that Court which shall sit in some place within the territories of the Argentine Confederation; if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or if the vacancy be originally that of the British arbitrator, the place of British arbitrator shall be filled, successively, by the British Consul and British Vice-Consul, if there be a British Consul or British Vice-Consul appointed to and resident in such place; and if the vacancy be both of the British judge and of the British arbitrator, then the vacancy of the British judge shall be filled by the British Consul, and that of the British arbitrator by the British Vice-Consul, if there be a British Consul and a British Vice-Consul appointed to and resident in such place; and if there shall be no British Consul or British Vice-Consul to fill the place of British arbitrator, then the

Argentine arbitrator shall be called in, in those cases in which a British arbitrator, if there were any, would be called in; and in case the vacancy be both of the British judge and British arbitrator, and there be neither British Consul nor British Vice-Consul to fill, *ad interim*, the vacancies, then the Argentine judge and Argentine arbitrator shall sit, and shall proceed to adjudge all cases brought before them for adjudication, and shall pass sentence accordingly.

Thirdly: On the part of the Argentine Republic, and in that Court which shall sit within the territories of that Republic, if the vacancy be that of the Argentine judge, his place shall be filled by the Argentine arbitrator; and either in that case, or if the vacancy be originally that of the Argentine arbitrator, the place of such arbitrator shall be filled, successively, by the highest civil authority resident in such possession, by the principal magistrate of the same, and by the secretary of the Government; which, if the Court is held at Buenos Ayres, will be executed by the president of the Court of Appeal, by the senior member of that Court, and by the attorney-general of the province; and the said Court, so constituted as above, shall sit, and shall proceed to adjudge all cases brought before them for adjudication, and shall pass sentence accordingly.

Fourthly: On the part of the Argentine Republic, and in that Court which shall sit within the possessions of Her Britannic Majesty, if the vacancy be that of the Argentine judge, his place shall be filled by the Argentine arbitrator; and, either in that case, or if the vacancy be originally that of the Argentine arbitrator, the place of the Argentine arbitrator shall be filled, successively, by the Argentine Consul and Argentine Vice-Consul, if there be an Argentine Consul or Argentine Vice-Consul appointed to and resident in such possession; and if the vacancy be both of the Argentine judge and of the Argentine arbitrator, then the vacancy of the Argentine judge shall be filled by the Argentine Consul, and that of the Argentine arbitrator by the Argentine Vice-Consul, if there be an Argentine Consul and an Argentine Vice-Consul appointed to and resident in such possession; and if there be no Argentine Consul or Argentine Vice-Consul to fill the place of Argen-

tine arbitrator, then the British arbitrator shall be called in, in those cases in which an Argentine arbitrator would be called in; and in case the vacancy be both of the Argentine judge and Argentine arbitrator, and there be neither Argentine Consul nor Argentine Vice-Consul to fill, *ad interim*, the vacancies, then the British judge and British arbitrator shall sit, and shall proceed to adjudge all cases brought before them for adjudication, and shall pass sentence accordingly.

The highest civil authority of the settlement wherein either of the Mixed Courts of Justice shall sit, shall, in the event of a vacancy arising either of the judge or of the arbitrator of the other High Contracting Party, forthwith give notice of the same to the highest civil authority of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period; and each of the High Contracting Parties agrees to fill up definitively, as soon as possible, the vacancies which may arise in the above-mentioned Courts, from death, or from any other cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with Article XII of the Treaty signed by them on this day, the twenty-fourth of May, one thousand eight hundred and thirty-nine, that the preceding Regulations, consisting of ten Articles, shall be annexed to the said Treaty, and considered an integral part thereof. Signed this day the twenty-fourth day of May, one thousand eight hundred and thirty-nine.

(L.S.) J. H. MANDEVILLE.
(L.S.) FELIPE ARANA.

ANNEX C. *Regulations for the good treatment of liberated Negroes.*

ARTICLE I. The object of these Regulations is to secure to Negroes liberated by virtue of the stipulations of the Treaty to which these Regulations form an Annex (marked C), permanent good treatment, and full and complete freedom, in conformity with the humane intentions of the High Contracting Parties.

Article II. Immediately after sentence of condemnation shall have been passed by a Mixed Court of Justice established under the Treaty to which these Regulations form an Annex, on a vessel charged with being concerned in Slave Trade, all Negroes who were on board such vessel, and who were brought on board for the purpose of traffic, shall be delivered over to the Government to whom belongs the cruizer which made the capture.

Article III. If the cruizer which made the capture is British, the British Government engages that the Negroes shall be treated in exact conformity with the laws in force in the British colonies, applicable to free born or to emancipated Negroes.

Article IV. If the cruizer which made the capture is Argentine, then the Negroes shall be delivered over to the Argentine authorities of that place in the dominions of the Argentine Confederation, in which the Mixed Court of Justice is established; and the Argentine Government solemnly engages, that such Negroes shall be there treated strictly according to the regulations in force at the time being in the Argentine Confederation, with respect to free Negroes. The Argentine Confederation further engages that those regulations shall always be framed with the view of securing honestly and faithfully to emancipated Negroes, unmolested liberty, good treatment, a knowledge of the tenets of the Christian religion, advancement in morality and civilization, and sufficient instruction in the mechanical arts to enable the said emanicipated Negroes to earn their own subsistence as artizans, mechanics, or servants.

Article V. For the purpose which is explained in the following Article, there shall be kept in the office of the Governor of that part of the possessions of the Argentine Confederation, where the Mixed Court of Justice resides, a register of all emancipated Negroes; and in such register shall be entered with scrupulous exactness, the names given to the Negroes, the names of the vessels in which they were captured, the names of the persons to whose care they have been committed, and any other circumstance likely to contribute to the full and permanent liberty and welfare of such emancipated Negroes.

Article VI. The register to which the preceding Article

refers will serve to form a general return, which the Governor of that part of the possessions of the Argentine Confederation where the Mixed Court of Justice resides, shall be bound to deliver every six months to the aforesaid Mixed Commission, in order to show the continued freedom of the Negroes emancipated under this Treaty, the improvement effected in their condition, and the progress made in their religious and moral instruction, and in their acquirement of the arts of life. The aforesaid return shall also specify the names and descriptions of such of the emancipated Negroes as shall have died since the period of the last return.

Article VII. The High Contracting Parties agree that if in future it should appear necessary to adopt new measures, in consequence of those which are laid down in this Annex turning out inefficacious, the said High Contracting Parties will consult together, and will agree upon other means better adapted for the complete attainment of the objects they have in view.

Article VIII. The undersigned Plenipotentiaries have agreed, in conformity with the Thirteenth Article of the Treaty signed by them on this day the twenty-fourth day of May, one thousand eight hundred and thirty-nine, that this Annex, consisting of eight Articles, shall be united to the said Treaty, and be considered an integral part thereof. This twenty-fourth day of May, one thousand eight hundred and thirty-nine.

(L.S.) J. H. MANDEVILLE.
(L.S.) FELIPE ARANA.

Articles additional to the Treaty concluded this twenty-fourth day of May, one thousand eight hundred and thirty-nine, between Her Britannic Majesty and the Argentine Confederation, for the suppression of Slave Trade.

ARTICLE I. It is agreed and understood, that if there should be any delay in appointing the judge and the arbitrator to be nominated on the part of the Argentine Confederation, to act in each of the Mixed Courts of Justice

to be established under this Treaty; or if those officers, after being appointed, should at any time be absent; then and in either of such cases, the judge and arbitrator who shall have been appointed on the part of Her Britannic Majesty, and who shall be present in the said Courts, shall, in the absence of the Argentine judge and arbitrator, proceed to open the said Courts, and to adjudge such cases as may be brought before them under the Treaty; and the sentence pronounced upon such cases by the said British judge and arbitrator, shall have the same force and validity as if the judge and the arbitrator on the part of the Argentine Confederation had been appointed, and had been present and acting in the Mixed Courts in the cases in question.

Article II. It is also agreed, notwithstanding the provisions of the first Article of the Annex B, that so long as no Argentine judge and arbitrator shall have been nominated, it will be unnecessary for the Argentine Confederation to nominate the secretary or actuary mentioned in the said Article; that in the mean while the secretary or actuary of that Court which may exist within the territory of the Argentine Confederation, shall be named and paid by the Government of Her Britannic Majesty, and that the entire expense of both the Courts to be established under this Treaty shall be borne by the Government of Her Britannic Majesty.

Article III. If, in the drawing up of this Treaty in the Spanish language, any involuntary error has been made in the translation, the English text is to be adhered to.

The present Additional Articles shall form an integral part of the Treaty for the suppression of the Slave Trade, signed this day, and shall have the same force and validity as if they were inserted word for word in that Treaty, and shall be ratified as soon as possible within the term of eight months from the date of the present Treaty.

Done at Buenos Ayres, this twenty-fourth day of May, in the year of our Lord one thousand eight hundred and thirty-nine.

(L.S.) J. H. MANDEVILLE.
(L.S.) FELIPE ARANA.

Tratado entre la Gran Bretaña y la Confederacion Argentina, para la abolicion del Trafico de Esclavos.

Estando Su Magestad la Reyna del Reyno Unido de la Gran Bretaña é Irlanda, y la República Argentina, igualmente animadas por un deseo sincero de cooperar á la extincion completa del infame y pirático Tráfico de Esclavos, han resuelto concluir un Tratado con el fin especial de obtener este objeto, en cuanto tenga relacion á la total y absoluta abolicion del Tráfico de Esclavos en la Confederacion Argentina; y han respectivamente nombrado para este fin, como sus Plenipotenciarios: por parte del Gobierno de Su Magestad la Reyna del Reyno Unido de la Gran Bretaña é Irlanda, al Excelentisimo Señor Ministro Plenipotenciario Caballero Juan Henrique Mandeville; y por él de la República Argentina, al Excelentisimo Señor Ministro de Relaciones Exteriores, Camarista Doctor Don Felipe Arana: quienes, habiendo cangeado debida y reciprocamente sus respectivos plenos poderes, y encontrádolos en debida forma, han convenido y concluido los siguientes Artículos:—

Articulo I. Habiendo sido abolido legalmente el Tráfico de Esclavos en todo el territorio de la República Argentina, se declara desde luego hallarse desde ahora, y para siempre, totalmente prohibido á todos los ciudadanos de dicha República, en todas partes del mundo.

Artículo II. La Confederacion Argentina se obliga por este, á que, inmediatamente despues del cange de las ratificaciones del presente Tratado, y en lo sucesivo, de tiempo en tiempo, como sea necesario, adoptará las medidas mas eficaces para impedir que los ciudadanos de dicha República se mesclen en este Tráfico, y que el pabellon de aquella República sea usado para ejercer en manera alguna el Tráfico de Esclavos; y la dicha Confederacion se obliga especialmente á que, dentro de dos meses despues del arriba expresado cange de ratificaciones, renovará la publicacion, en todo el territorio de la República, de la Ley Penal, por la que el Tráfico de Esclavos ha sido declarado acto de pirateria; y que las penas establecidas á la pirateria serán impuestas á todos aquellos ciudadanos de la

Confederacion Argentina, que, bajo cualquiera pretexto, tomasen parte alguna en el Tráfico de Esclavos.

Artículo III. Para asegurar mas completamente el objete del presente Tratado, las dos Altas Partes Contratantes convienen mutuamente, que aquellos buques de su marina respectiva, que serán provistos de Instrucciones especiales para aquel objeto, segun se designará mas adelante aqui, puedan visitar aquellas embarcaciones mercantes de las dos naciones, que con fundados motivos se sospeche hallarse ocupadas en el Tráfico de Esclavos, ó haber sido equipadas para objetos de él, ó haber, durante el viage en que son encontrados por los expresados cruceros, estado ocupadas en el Tráfico de Esclavos, en contrariedad á las provisiones de este Tratado; y que semejantes cruceros puedan detener, remitir, ó conducir tales buques, á efecto de que ellos sean juzgados en la forma aqui mas adelante convenida.

Artículo IV. Para arreglar le modo de llevar á ejecucion las provisiones del Artículo anterior, se conviene: Primero, que todo buque de las dos naciones, que sea en lo sucesivo empleado para impedir el Tráfico de Esclavos, será provisto por sus Gobiernos respectivos con una copia del presente Tratado en los idiomás Ingles y Español; de las Instrucciones para los cruceros adicionales á él, letra A; y de los Reglamentos para los Tribunales Mixtos de Justicia á él letra B; cuyos Adicionales serán considerados como partes integrantes de este Tratado.

Segundo: Que cada una de las Altas Partes Contratantes, de tiempo en tiempo, comunicará á la otra los nombres de los diversos buques que han sido provistos con aquellas Instrucciones, la fuerza de cada buque, y los nombres de sus diferentes gefes.

Tercero: Que si alguna vez existiese justa causa para sospechar que alguna embarcacion mercante, navegando bajo el pabellon de cualquiera de las dos naciones, y procediendo bajo el convoy de algun buque ó buques de guerra de cualquiera de las Partes Contratantes, se halle ocupada, o intente ocuparse, en el Tráfico de Esclavos, ó se halle equipada para objetos de él, ó ha estado, durante el viage en que fuese encontrada, ocupada en el Tráfico de Esclavos, será permitido al comandante de cualquiera buque de la

Marina Real de la Gran Bretaña, ó de la Marina de la Confederacion Argentina, provisto de las predichas Instrucciones, participar sus sospechas al comandante del convoy, quien, acompañado por el comandante del crucero, procederá al exámen del buque sospechado; y en caso de aparecer bien fundadas las sospechas, segun el tenor de este Tratado, entonces el dicho buque será conducido ó enviado á una de los puntos donde están establecidos los Tribunales Mixtos de Justicia, para que sufra la sentencia aplicable al caso.

Cuarto: Se conviene ademas mutuamente, que los comandantes de los buques de las dos marinas que sean respectivamente empleados en este servicio, se adherirán estrictamente al tenor exacto de las predichas Instrucciones.

Artículo V. Como los dos Articulos anteriores son enteramente reciprocos, las dos Altas Partes Contratantes se obligan mutuamente á indemnizar cualquiera perdida que sus respectivos subditos ó ciudadanos puedan sufrir por la detencion arbitraria é ilegal de sus embarcaciones; siendo entendido, que esta indemnizacion será sufrida invariablemente por el Gobierno cuyo crucero fuese culpable de semejante arbitraria é ilegal detencion. Se conviene ademas, que la visita y detencion de buques especificadas en el Artículo III de este Tratado, serán efectuadas solamente por aquellos buques Británicos y Argentinos que constituyan respectivamente parte de las marinas (real y nacional) de las dos Altas Partes Contratantes de este Tratado; y solo por los buques determinados de aquellas marinas que estuviesen provistos con las Instrucciones especiales adicionales al presente Tratado.

La compensacion de perjuicios mencionada en este Artículo se hará dentro del termino de un año, contado desde el dia en que el Tribunal Mixto de Justicia pronuncie sentencia sobre el buque por cuya detencion se reclama aquella compensacion.

Artículo VI. Para proceder á la adjudicacion con la menor demora é inconveniencia posibles, de los buques que sean detenidos segun el tenor del tercer Artículo de este Tratado, se establecerán, dentro del termino de un año cuando mas desde el cange de las ratificaciones del presente Tratado, dos Tribunales Mixtos de Justicia, compu-

estos de un número igual de individuos de las dos naciones, nombrados para este objeto respectivamente por las dos Altas Partes Contratantes.

Estos tribunales residirán, el uno en alguna posesion perteneciente á Su Magestad Británica, el otro dentro del territorio de la República Argentina; y los dos Gobiernos, al tiempo del cange de las ratificaciones del presente Tratado, declararán, cada uno respecto de su territorio, en que destinos residirán dichos Tribunales respectivamente; reservándose cada una de las dos Altas Partes Contratantes el derecho de variar, segun sea de su agrado, el punto de residencia del Tribunal establecido dentro de su propio territorio; con la condicion, no obstante, que uno de los dos Tribunales será siempre instituido en la costa de Africa, y el otro en el territorio de la República Argentina.

Estos Tribunales juzgarán de las causas que les sean sometidas, segun las provisiones del presente Tratado, sin apelacion, y en conformidad con los Reglamentos é Instrucciones que son adicionales al presente Tratado, y que son consideradas como que forman una parte integrante de él.

Artículo VII. Si el oficial comandante de alguno de los buques de las marinas de la Gran Bretaña y Confederacion Argentina respectivamente, que sea debidamente provisto de Instrucciones segun las provisiones del Artículo III de este Tratado, se desviase en modo alguno de las estipulaciones de dicho Tratado, ó de las Instrucciones adicionales á el, el Gobierno que se considere agraviado por aquel desvio, tendrá derecho de pedir reparacion; y en tal caso, el Gobierno á que dicho oficial comandante corresponda, queda obligado á hacer indagaciones sobre el asunto, materia de la queja, y á imponer al dicha oficial una pena proporcional á cualquiera transgresion intencional que hubiere cometido.

Artículo VIII. Se conviene ademas por este Articulo mutuamente, que todo buque mercante, Británico ó Argentino, que fuere visitado en virtud del presente Tratado, pueda ser legalmente detenido, y ser enviado ó conducido ante los Tribunales Mixtos de Justicia establecidos en cumplimiento de las provisiones de él, si en su equipo se encontrase alguna de las cosas aqui adelante mencionadas, á saber:—

Primero: Escotillas con enrejados abiertos, en lugar de escotillas cerradas que se acostumbran en buques mercantes.

Segundo: Divisiones ó mamparas en la bodega ó sobre cubierta, en mayor número del que es necesario para buques ocupados en tráfico legal.

Tercero: Tablazon de repuesto, preparado como para construir una segunda cubierta, ó cubierta para Esclavos.

Cuarto: Grillos y esposas para las piernas y manos.

Quinto: Mayor cantidad de agua en pipas y cisternas, que la necesaria para el consumo de la tripulacion del buque, como buque mercante.

Sexto: Un número extraordinario de pipas de agua, ó de otros receptáculos para contener liquido, excepto que el capitan exhibiese un certificado de la Aduana del destino de que zarpó, que manifieste que suficiente seguridad ha sido dada por los dueños de tales buques mercantes, de que aquella extra cantidad de pipas ó de otros receptáculos solo seria empleada para contener aceite de palma, ó para otros objetos de comercio legal.

Septimo: Una cantidad mayor de tinas de comer ó canecas, que la necesaria para el uso de la tripulacion del buque como buque mercante.

Octavo: Un caldero ú otros instrumentos de cocina de un tamaño no comun, y mas grandes, ó preparados de modo que puedan hacerse mayores, que lo necesario para el uso del buque como buque mercante; ó mas de un caldero, ó de otros instrumentos de cocina del tamaño ordinario.

Noveno: Una cantidad extraordinaria de arroz, de harina del Brasil, tapioca ó casada, comunmente llamada fariña de maiz, ó de algun otro articulo cualquiera de alimento, mas del que probablemente pudiera necesitarse para el uso de la tripulacion; no estando comprendidos en el manifiesto aquel arroz, harina, maiz, ú otros articulos de alimento, como parte del cargamento para tráfico.

Décimo: Una cantidad de fresadones ó gergones mayor que la necesaria para el uso de la tripulacion de un buque como buque mercante.

Si se probase haberse encontrado ábordo una ó mas de estas varias cosas, será considerado como evidencia *primâ facie* del actual empleo del buque en el Tráfico de Esclavos;

y desde luego el buque será condenado y declarado presa legal, excepto que se produzca á satisfaccion del Tribunal, claros é incontestables testimonios por parte del capitan ó dueños, de que semejante embarcacion se hallaba empleada en algun giro legal al tiempo de su detencion ó captura, y que aquellos artículos de las cosas arriba enumeradas que fueron encontradas á su bordo al tiempo de su detencion, ó que habian sido puestos á su bordo durante el viage que seguía cuando fué capturada, se necesitaban para objetos legales en aquel viage especial.

Artículo IX. Si se encontrase alguna de las cosas especificadas en el precedente Artículo en algun buque mercante, no se concederá en caso alguna indemnizacion por pérdidas, perjuicios, ó gastos consiguientes á la detencion de semejante buque, ya sea al capitan ó á sus dueños, ó á cualquiera otra persona interesada en su equipo ó carga, aun en el caso de que el Tribunal Mixto de Justicia no pronunciase sentencia alguna de condena á consecuencia de su detencion.

Artículo X. Se conviene por este Artículo entre las dos Altas Partes Contratantes, que en todos los casos en que un buque sea detenido, con arreglo á este Tratado, por sus respectivos cruceros, por haber estado ocupado en el Tráfico de Esclavos, ó por haber sido equipado para objetos de él, y haya de ser consiguientemente adjudicado y condenado por los Tribunales Mixtos de Justicia que hayan de establecerse segun queda dicho, aquel buque será, inmediatamente despues de la condena, deshecho enteramente, y será vendido en lotes separados, despues de haber sido asi deshecho.

Artículo XI. Los Negros que se hallen á bordo de un buque que haya sido detenido por un crucero, y haya sido condenado por los Tribunales Mixtos de Justicia, en conformidad con las estipulaciones de este Tratado, serán puestos á la disposicion del Gobierno cuyo crucero hizo la captura, bajo la precisa inteligencia que serán inmediatamente puestos en libertad, y serán de alli adelante considerados libres. Las dos Altas Partes Contratantes respectivamente garanten la libertad completa y permanente de tales Negros; y, con la mira de asegurar la debida ejecucion del Tratado en este particular, cada una se

obliga á proporcionar, de tiempo en tiempo, y siempre que asi lo exija la otra Alta Parte Contratante, los informes mas completos respecto del estado y condicion de tales Negros.

El Reglamento letra C, adicional á este Tratado, relativo al tratamiento de los Negros libertados por sentencia de los Tribunales Mixtos de Justicia, se declara formar una parte integrante de este Tratado.

Las dos Altas Partes Contratantes se reservan el derecho de alterar ó suspender por mutuo consentimiento, pero no de otro modo, los terminos de aquel Reglamento.

Artículo XII. Las Adiciones á este Tratado, que se conviene mutuamente, constituirán una parte integrante de él, son las siguientes :—

A. Instrucciones para los buques de las marinas de ambas naciones, empleados en impedir el Tráfico de Esclavos.

B. Reglamento para los Tribunales Mixtos de Justicia, que deben tener sus asientos en la costa de Africa, y en una de las posesiones de la República Argentina.

C. Reglamento para el tratamiento de los Negros libertados.

Artículo XIII. El presente Tratado, compuesto de trece Articulos, será ratificado, y sus ratificaciones serán cangeadas en Buenos Ayres tan pronto como sea posible dentro del término de ocho meses de la fecha.

En testimonio de lo qué los respectivos Plenipotenciarios han firmado originales duplicados, en Ingles y Español, del presente Tratado, y han impreso en él el sello de sus armas.

Concluido en Buenos Ayres, á veinte y cuatro de Mayo, en el año de Nuestro Señor de mil ocho cientos treinta y nueve.

(L S.) J. H. MANDEVILLE.
(L.S.) FELIPE ARANA.

ADICIONAL A, *al Tradado entre la Gran Bretaña y la Confederacion Argentina, para la abolicion del Tráfico de Esclavos en la Confederacion Argentina.*

Instruccionnes para los Buques de las Marinas Británica y Argentina empleados para impedir el Tráfico de Esclavos.

ARTICULO I. El comandante de todo buque perteneciente á la marina de Su Majestad Británica, ó de la Confederacion Argentina, que se halle provisto con estas Instrucciones, tendrá derecho de visitar, examinar, y detener cualquiera embarcacion mercante Británica ó Argentina, que se halle actualmente ocupada, ó que se sospeche de hallarse ocupada, en que se sospeche de hallarse ocupada, en el Tráfico de Esclavos, ó de ser equipada para objetos de él, ó de haber estado ocupada en el Tráfico de Esclavos durante el viage en que fuese encontrada por el predicho buque de la marina Británica ó Argentina; y dicho comandante desde luego conducirá ó enviará aquellas embarcaciones mercantes, tan pronto como sea posible, para que sean juzgadas por el Tribunal Mixto de Justicia establecido en virtud del Articulo VII del dicho Tratado, que se halle situado mas cerca al parage de la detencion, ó al que dicho comandante, bajo su propia responsabilidad, crea pueda llegarse mas pronto desde dicho parage.

Artículo II. Siempre que algun buque de cualquiera de las dos naciones debidamente autorizado, como queda dicho, encontrase alguna embarcacion mercante sujeta á ser visitada segun las provisiones del dicho Tratado, el examen será conducido del modo mas suave, y con todo la atencion que debe observarse entre naciones aliadas y amigas; y el registro en todo caso será efectuado por un oficial de no menos graduacion que la de teniente en la marina de la Gran Bretaña, ó en la de la República Argentina respectivamente (excepto que por razon de muerte ú otras causas, aquella graduacion recaiga sobre un oficial de graduacion inferior) ó por el oficial que á la sazon fuere el segundo en mando del buque por el que se hace el exámen.

Artículo III. El comandante de todo buque de las dos

marinas debidamente autorizado, como queda dicho, que detenga embarcacion mercante alguna, en cumplimiento de las presentes Instrucciones, dejará á bordo del buque asi detenido, al maestre ó contra-maestre, y dos ó tres al menos de su tripulacion, todos los Esclavos, si algunos hubiere, y toda la carga.

El captor, al tiempo de la detencion, extenderá por escrito una declaracion auténtica, que manifieste el estado en que encontró el buque detenido; y dicha declaracion será firmada por él, y será entregada ó enviada, juntamente con el buque capturado, al Tribunal Mixto de Justicia ante el que dicho buque sea conducido ó enviado para ser juzgado.

El captor entregará al maestre del buque detenido, una lista certificada de los papeles tomados á bordo del mismo, así como un estado del número de Esclavos hallados á bordo al tiempo de la detencion.

En la declaracion auténtica que el captor esta por este Artículo obligado á hacer, como tambien en la lista certificada de los papeles tomados, deberá insertar su propio nombre, el nombre del buque capturante, la latitud y longitud del punto donde la detencion hubiese tenido lugar, y el número de Esclavos encontrados á bordo del buque al tiempo de la detencion.

El oficial á cargo del buque detenido, al tiempo de entregar los papeles del buque al Tribunal Mixto de Justicia, entregará tambien un papel al Tribunal, firmado por él, y justificado bajo juramento, manifestando todo cambio que pueda haber tenido lugar respecto al buque, su tripulacion, los Esclavos (si los hubiere), y su carga, entre el periodo de su detencion y el tiempo de la entrega de semejante papel.

Artículo IV. Los Esclavos no serán desembarcados sino despues que el buque que los contiene haya arribado al destino donde debe ser juzgado; y aun despues de haber llegado el buque á dicho destino, no serán desembarcados sin el permiso del Tribunal Mixto de Justicia.

Pero si urgentes razones, deducidas de la extension del viage, del estado de salud de los Esclavos, ó de otras causas, requiriesen que ya el todo ó una parte de los Negros se desembarque ó se transborde, antes que el buque llegue al destino en que uno de los dichos Tribunales se halla esta-

blecido, ó que despues de su arribo allí, y antes de ser juzgado; el comandante del buque capturante pueda tomar sobre si la responsabilidad de asi desembarcar ó transbordar los Negros, con la condicion de que tal necesidad, y las causas de ella, sean manifestadas en un certificado en debida forma, y que este certificado se registre en el acto en el libro de diario del buque detenido.

Los abajo firmados Plenipotenciarios han convenido, en conformidad con el Artículo Doce del Tratado firmado por ellos hoy veinte y cuatro de Mayo de mil ocho cientos treinte y nueve, que las precedentes Instrucciones, consistentes ce cuatro Artículos, sean adicionadas al dicho Tratado, y sean consideradas como parte integrante del Tratado concluido el dia veinte y cuatro de Mayo, de mil ocho cientos treinta y nueve.

(L.S.) J. H. MANDEVILLE.
(L.S.) FELIPE ARANA.

ADICIONAL B, *al Tratado entre la Confederacion Argentina, para la abolicion del Tráfico de Esclavos en la Confederacion Argentina.*

Reglamento para los Tribunales Mixtos de Justicia que deben residir en la Costa de Africa, y en las Posesiones de la Confederacion Argentina.

ARTICULO I. Los Tribunales Mixtos de Justicia que han de establecerse con arreglo á las provisiones del Tratado, de que este Reglamento se declara ser una parte integrante, se compondrán del modo siguiente. Cada una de las dos Altas Partes Contratantes nombrará un juez y un arbitrador, que serán autorizados para oir y decidir sin apelacion, cuantos casos de captura ó detencion de buques que, en cumplimiento de las estipulaciones del predicho Tratado, fueren presentados ante ellos. Los jueces y arbitradores, antes de entrar en los deberes de su oficio, prestarán respectivamente juramento ante los magistrados principales de los destinos en que semejantes Tribunales respectivamente hayan de residir, de que juzgarán justa y fielmente; que no

abrigarán preferencia alguna, ya en favor de los demandantes ó de los captores; y que en todas sus decisiones obrarán en cumplimiento de las estipulaciones del predicho Tratado.

Se agregará á cada uno de tales Tribunales un secretario ó registrador, que será nombrado por el Gobierno del pais dentro de cuyos territorios dicho Tribunal haya de residir; aquel secretario ó registrador registrará todos los actos de dicho Tribunal; y, antes de entrar en sus funciones, prestará juramento ante el Tribunal para el que es nombrado, que se conducirá con el respeto debido á su autoridad, y que obrará con fidelidad é imparcialidad en todos materias relativas á su oficio.

El sueldo del secretario ó registrador del Tribunal que ha de establecerse en la costa de Africa, será pagado por Su Majestad Británica; y el del secretario ó registrador del Tribunal que ha de establecerse en las posesiones de la Confederacion Argentina, será abonado por el Gobierno de esta República.

Cada uno de los Gobiernos costeará la mitad de la suma agregada de gastos incidentales de semejantes Tribunales.

Artículo II. Los gastos incurridos por el oficial encargado del recibo, manutencion, y cuidado del buque detenido, Esclavos, y cargamento, y de la ejecucion de la sentencia, y todas los desembolsos ocasionados para conducir el buque á ser juzgado, en caso de condena, serán pagados de los fondos resultantes de la venta de los materiales del buque deshecho, de las provisiones del buque, y de aquella parte de la carga que consista en mercancias; y en caso que los productos resultantes de esta venta no fuesen suficientes para costear estos gastos, entonces la deficiencia será subsanada por el Gobierno del pais dentro de cuyo territorio el juicio haya tenido lugar.

Si el buque detenido fuese declarado libre, los gastos ocasionados para conducirlo á ser juzgado serán subsanados por el captor; excepto en los casos especificados y de otro modo provistos por el Artículo IX del Tratado á que es adicional este Reglamento, y por el Artículo VII de este Reglamento.

Artículo III. Los Tribunales Mixtos de Justicia han de

decidir sobre la legalidad de la detencion de aquellos buques que los cruceros de ambas naciones detengan en cumplimiento del dicho Tratado.

Estos Tribunales sentenciarán definitivamente y sin apelacion, todas las cuestiones que emanen de la captura y detencion de tales buques.

Los procedimientos de estos Tribunales se efectuarán con la menor demora posible; y con este fin se exige de los Tribunales que decidan cada caso, en tanto que fuere practicable, dentro del término de veinte dias, que ha de datarse desde el dia en que el buque detenido haya sido traido al puerto donde el Tribunal que ha de decidir resida.

Si, á consecuencia de aquellos procedimientos, se descubriese que el buque, cuyo caso se presenta ante el Tribunal, habia estado empleado en el Tráfico de Esclavos, ó habia sido equipado para objetos de él, dicho buque, su carga de mercancias, y su equipo, serán condenados por el Tribunal, y serán declarados presa legal; y todo Esclavo que haya sido puesto á bordo de semejante buque para objetos de tráfico, será emancipado.

La sentencia definitiva no será, en caso alguno, demorada mas allá de dos meses, ya sea á causa de la ausencia de testigos, ó por cualquiera otra razon, excepto á peticion de alguna de las partes interesadas, en cuyo caso, si dicha parte ó partes diesen seguridad satisfactoria, que tomarán sobre si los gastos y riesgos de la demora, el Tribunal, á su discrecion, podrá conceder una demora adicional, que no exceda de cuatro meses.

Será permitido á cada parte emplear el defensor que considere conveniente, para que la asista en la direccion de su causa. Todas las partes esenciales de los procedimientos de dichos Tribunales serán escritas en una acta, en el idioma del pais en que residan respectivamente los Tribunales.

Artículo IV. La forma del proceso será como sigue:— Los jueces nombrados por los dos Gobiernos respectivamente, en primer lugar procederán á examinar los papeles del buque detenido; y á tomar las deposiciones del capitan ó comandante, y de dos ó tres, al menos, de los principales individuos á bordo de dicho buque; asi como la declaracion bajo juramento del captor, caso que aparezca ser necesaria

semejante declaracion, para que puedan juzgar y declarar si el buque ha sido justamente detenido ó nó, segun las estipulaciones del predicho Tratado.

En caso que los dos jueces no se conformen respecto de la sentencia que deban emitir con respecto á la legalidad de la detencion de cualquiera embarcacion, asi como acerca de la factibilidad de la condena del buque, como respecto á la indemnizacion que ha de concederse á los dueños, ó tambien acerca de cualquiera otra cuestion que provenga de cualquiera captura; ó si alguna diferencia de opinion se suscitase entre ellos, respecto al modo de proceder en el dicho Tribunal;—en cualquier caso de estos, elegirán á la suerte el nombre de uno de los dos arbitradores nombrados segun queda dicho en el Artículo I de este Reglamento adicional; y el arbitrador cuyo nombre quede asi elegido, despues de haber considerado los procedimientos que han tenido lugar, se asociará con los dos arriba mencionados jueces, y la sentencia definitiva ó decision será pronunciada en conformidad con la opinion de la mayoria de los tres.

Artículo V. Si el buque detenido ha de devolverse por la sentencia del Tribunal, se entregarán inmediatamente al maestre, ó á la persona que lo represente, el buque y cargamento en el estado en que entonces se encuentren; y dicho maestre ú otra persona podrá reclamar, ante el mismo Tribunal, que se haga un avaluo á fin de determinar el monto de perjuicios á que pueda tener derecho. El mismo captor, y, en su defecto, su Gobierno, quedarán responsables por los perjuicios que definitivamente se declaren deberse al maestre de dicho buque, ó á los dueños de él ó de su cargamento.

Las dos Altas Partes Contratantes se obligan á pagar, dentro del término de un año desde la fecha de la sentencia, los costos y perjuicios que sean declarados por el predicho Tribunal; estando mutuamente reconocido y convenido, que tales costos deberán subsanarse por el Gobierno del pais de que el captor sea súbdito ó ciudadano.

Artículo VI. Si algun buque detenido fuese condenado, será declarado presa legal, juntamente con su cargamento, cualquiera que el sea, con la excepcion de los Esclavos que fuesen encontrados á bordo; y dicho buque, en conformidad con el reglamento en el Artículo X del Tratado de esta

fecha, será enagenado, como tambien su cargamento, en venta pública, en beneficio de los dos Gobiernos, pero sujeto el producto de esta venta al pago de los gastos aquí mas adelante referidos.

Los Esclavos recibirán cada uno del Tribunal un certificado de emancipacion, y serán entregados al Gobierno á que corresponda el crucero que hizo la captura, para ser tratados segun el reglamento y condiciones contenidas en la letra C, adicional á este Tratado.

Artículo VII. El maestre y la tripulacion de un buque detenido con arreglo á este Tratado, y todas las personas encontradas á bordo que hubiesen sido cómplices en su empresa de Tráfico de Esclavos, luego de condenado el buque, serán enviados como presos al establecimiento mas proximo del pais de que son subditos ó ciudadanos, y serán allí entregados á las autoridades del lugar, para ser juzgados segun las leyes de su pais por las ofensas que han cometido contra aquellas leyes. El comandante del crucero que hizo la captura del buque, tan luego como se lo prescriban los miembros de los Tribunales Mixtos de Justicia, tomará á su cargo al maestre, tripulacion, y cómplices á bordo del buque capturado, y los conducirá y entregará como queda dicho.

Los gastos causados por la manutencion y viage de retorno del capitan, tripulacion, y cómplices asi remitidos como presos, serán satisfechos por el Gobierno de que son súbditos ó ciudadanos.

Artículo VIII. Los Tribunales Mixtos de Justicia tomarán tambien conocimiento, y decidirán definitivamente y sin apelacion, todo reclamo por indemnizacion con motivo de pérdidas ocasionadas á buques y cargamentos que hubiesen sido detenidos bajo las provisiones de este Tratado, pero que no hubiesen sido condenados coma presa legal por los dichos Tribunales; y en todos los casos en que se decrete restitucion de tales buques y cargamentos (escepto como queda mencionado en una parte subsiguiente de este Reglamento, y en el Artículo IX del Tratado á que este Reglamento es Adicional), el Tribunal adjudicará al reclamante ó reclamantes, ó á su procurador ó procuradores legales, para su ó sus usos, una justa y completa indemnizacion de los costos del pleito, y por todas pérdidas ó

perjuicios que el dueño ó dueños hayan realmente experimentado por aquella captura y detencion; á saber:

Primero: En caso de total pérdida, el reclamante ó reclamantes serán indemnizados;

a. Por el buque, su aparejo, equipo, y provisiones.

b. Por todos los fletes debidos y abonables.

c. Por el valor de la carga de mercancias si las hubiere, deduciendo todos los cargos y gastos abonables sobre la venta de semejante cargamento, incluyendo comision de venta.

d. Por todo otro cargo justo en tal caso de total pérdida.

Segundo. En todos los demas casos no de total pérdida, que se refieren aquí mas adelante, el reclamante ó reclamantes serán indemnizados;

a. Por todo perjuicio y gasto especiales ocasionados al buque por su detencion, y por pérdida de flete si debida y pagadera.

b. Por estadías segun la lista adicional al presente Artículo.

c. Por cualquiera deterioro en la carga.

d. Por todo premio de aseguradores sobre riesgos adicionales.

Ademas, el reclamante ó reclamantes tendrán derecho al interes á razon de 5 por ciento por año, sobre el capital adjudicado, hasta que dicho capital sea pagado por el Gobierno á que el buque capturante corresponde: el monto total de semejante indemnizacion será calculado en la moneda del pais á que corresponde el buque detenido, y será abonado á razon del cambio corriente al tiempo de la adjudicacion.

Las dos Altas Partes Contratantes sinembargo han convenido, que si se comprobare á las satisfaccion de los jueces de las dos naciones, y sin recurso á la decision de un arbitrador, que el captor ha sido indúcido á error por culpa del maestre ó comandante del buque detenido, el buque detenido, en tal caso, no recibirá por el tiempo de su detencion, las estadías estipuladas por el presente Artículo, ni otra alguna indemnizacion por pérdidas, perjuicios, ó gastos consiguientes á semejante detencion.

Lista de estadías ó concesiones diarias para un buque de

100	toneladas	á	120	inclusive	£5	Por dia.
121	. .		150	. .	6	
151	. .		170	. .	8	
171	. .		200	. .	10	
201	. .		220	. .	11	
221	. .		250	. .	12	
251	. .		270	. .	14	
271	. .		300	. .	15	

Y asi en proporcion.

Artículo IX. Ni los jueces, ni los arbitradores, ni los secretarios de los Tribunales Mixtos de Justicia, reclamarán ó recibirán de parte alguna interesada en los casos que sean deducidos ante dichos Tribunales, emolumento ó gratificacion alguno, bajo ningun pretexto, para el cumplimiento de los deberes que tal jueces, arbitradores, y secretarios tengan que ejecutar.

Artículo X. Las dos Altas Partes Contratantes han convenido que en los casos de muerte, enfermedad, ó ausencia con permiso, ú otro impedimento legal, de uno ó mas de los jueces ó arbitradores que componen el ya referido Tribunal, el cargo de dicho juez ó de tal arbitrador será suplido, *ad interim*, en la forma siguiente:

Primero: Por parte de Su Magestad Británica, y en el Tribunal que resida en una de las posesiones de la dicha Su Magestad Británica; si la vacante fuese la del juez Británico, su puesto será desempeñado por el arbitrador Británico; y ya en aquel caso, ó siempre que la vacante fuese originariamente la del arbitrador Británico, el destino de tal arbitrador será desempeñado sucesivamente por el Gobernador ó Teniente Gobernador residentes en aquella posesion, por el magistrado principal de la misma, y por el secretario del Gobierno: y el dicho Tribunal, asi constituido como queda dicho, se reunirá, y procederá á juzgar todos los casos que le sean sometidos para ser juzgados, y emitirá sentencia segun el caso.

Segundo: Por parte de la Gran Bretaña, y en el Tribunal que resida en algun destino dentro del territorio de la Confederacion Argentina; si la vacante fuese la del juez

Británico, su encargo será desempeñado por el arbitrador Británico; y ya en aquel caso, ó si la vacante fuese originariamente la del arbitrador Británico, el destino de arbitrador Británico será desempeñado sucesivamente por el Cónsul Británico y Vice-Cónsul Británico, si hubiese un Cónsul Británico ó Vice-Cónsul Británico nombrados alli y residentes en aquel punto; y si la vacante fuese de ambos el juez Británico y arbitrador Británico, entonces la vacante del juez Británico será desempeñada por el Cónsul Británico, y la del arbitrador Británico, por el Vice-Cónsul Británico, si hubiese algun Cónsul Británico ó Vice-Cónsul Británico nombrados para el dicho lugar y residentes en él; y si no hubiese alli Cónsul Británico ó Vice-Cónsul Británico para desempeñar el destino de arbitrador Británico, entonces el arbitrador Argentino será llamado en aquellos casos en que habria sido llamado un arbitrador Británico, si lo hubiese; y en caso que la vacante fuese de ambos el juez Británico y arbitrador Británico, y ni existiese Cónsul Británico ni Vice-Cónsul Británico para desempeñar, *ad interim*, las vacantes, entonces el juez Argentino y arbitrador Argentino se reunirán, y procederán á juzgar todos los casos promovidos ante ellos para ser juzgados, y emitirán sentencia segun el caso.

Tercero: Por parte de la República Argentina, y en aquel Tribunal que resida dentro del territorio de esta República; si la vacante fuese la del juez Argentino, su destino será llenado por el arbitrador Argentino; y ya en aquel caso, ó si la vacante fuese originariamente la del arbitrador Argentino, el lugar de tal arbitrador será llenado sucesivamente por la autoridad civil mas alta residente en dicho territorio, por el principal magistrado de la misma, y por el secretario de Gobierno; que, cuando residiese en Buenos Ayres, será desempeñado por el Presidente del Tribunal de Apelacion, por el decano de este Tribunal, y por el Fiscal General de la provincia; y el dicho Tribunal, asi constituido como queda dicho, se reunirá, y procederá á juzgar todos los casos presentados ante él para sentencia, la que emitirá segun corresponda.

Cuarto: Por parte de la Confederacion Argentina, y en aquel Tribunal que resida dentro de las posesiones de Su Magestad Británica; si la vacante fuese la del juez Argen-

tino, su encargo será desempeñado por el arbitrador Argentino; y ya en aquel caso, ó como si la vacante fuese originariamente la del arbitrador Argentino, el empleo de arbitrador Argentino será desempeñado sucesivamente por el Cónsul Argentino y Vice-Cónsul Argentino, si hubiese Cónsul Argentino ó Vice-Cónsul Argentino nombrados para aquella posesion y residentes en ella; y si la vacante fuere de ambos el juez Argentino y arbitrador Argentino, entonces la vacante del juez Argentino será desempeñada por el Cónsul Argentino, y la del arbitrador Argentino por el Vice-Cónsul Argentino, si hubiere un Cónsul Argentino y un Vice-Cónsul Argentino nombrados para aquella posesion y residentes en ella; y si no hubiere Cónsul Argentino ó Vice-Cónsul Argentino para desempeñar el puesto de arbitrador Argentino, entonces el arbitrador Británico será llamado en aquellos casos en que seria llamado un arbitrador Argentino; y en caso que la vacante sea de ambos el juez Argentino y arbitrador Argentino, y ni hubiese Cónsul Argentino ni Vice-Cónsul Argentino para desempeñar, *ad interim*, las vacantes, entonces el juez Británico y arbitrador Británico se reunirán, y procederán á juzgar todos los casos producidos ante ellos para ser juzgados, y emitirán sentencia segun el caso.

La mas elevada autoridad civil del establecimiento en que se reuna cualquiera de los Tribunales Mixtos de Justicia, en el caso de una vacante resultante ya del juez ó del arbitrador de la otra Alta Parte Contratante, lo manifestará inmediatamente á la autoridad civil mas alta del establecimiento mas próximo de semejante otra Alta Parte Contratante, á fin de que tal vacante sea provista á la mayor brevedad posible; y cada una de las Altas Partes Contratantes conviene proveer definitivamente tan luego como sea posible, las vacantes que provengan en los ya referidos Tribunales, por muerte, ó por cualesquiera otras causas.

Los Plenipotenciarios abajo firmados han convenido, en conformidad con el Artículo XII del Tratado firmado por ellos hoy veinte y cuatro de Mayo de mil ocho cientos treinta y nueve, que el presente Reglamento, consistente de diez Articulos, será adicional al dicho Tratado, y considerado

como una parte integrante del Tratado firmado hoy veinte y cuatro de Mayo, de mil ocho cientos treinta y nueve.

(L.S.) J. H. MANDEVILLE.
(L.S.) FELIPE ARANA.

ADICIONAL C. *Reglamento para el buen tratamiento de los Negros libertados.*

ARTICULO I. El objeto de este Reglamento es asegurar á los Negros libertados en virtud de las estipulaciones del Tratado á que este Reglamento (designado bajo la letra C) es una adicion, un buen trato permanente, y entera y completa libertad, de conformidad con las intenciones humanas de las Altas Partes Contratantes.

Artículo II. Inmediatamente despues que la sentencia de condena hubiese sido dada por algun Tribunal Mixto de Justicia establecido con arreglo al Tratado de que este Reglamento es adicional, sobre algun buque acusado de estar ocupado en el Tráfico de Esclavos, todos los Negros que se hallasen á bordo de dicho buque, y que fueron puestos á bordo para objetos de tráfico, serán entregados al Gobierno á que pertenezca el crucero que hizo la captura.

Artículo III. Si el crucero que hizo la captura fuese Británico, el Gobierno Británico se obliga á que los Negros serán tratados en conformidad exacta con las leyes vigentes en las colonias Británicas aplicables á los Negros libres de nacimiento ó emancipados.

Artículo IV. Si el crucero que hizo la captura fuese Argentino, entonces los Negros serán entregados á las autoridades Argentinas del lugar en los dominios de la Confederacion Argentina, en que el Tribunal Mixto de Justicia se halla establecido; y el Gobierno Argentino se obliga solemnemente á que tales Negros serán alli estrictamente tratados segun los reglamentos vigentes á la sazon en la Confederacion Argentina con respecto á Negros libres. La República Argentina ademas se obliga á que aquellos reglamentos sean siempre trazados con la mira de asegurar honrosa y fielmente á los Negros emancipados,

libertad tranquila, buen tratamiento, un conocimiento de los dogmas de la religion Cristiana, adelanto en moralidad y civilizacion, e instruccion suficiente en las artes mecánicas, para que los dichos Negros emancipados puedan ganar su propia subsistencia como artesanos, mecánicos, y sirvientes.

Artículo V. Para el objeto que se explica en el siguiente Artículo, se llevará en el departamento del Gobernador de aquel punto de las posesiones de la Confederacion Argentina, donde el Tribunal Mixto de Justicia resida, un registro de todos los Negros emancipados; y en tal registro se insertará con escrupulosa exactitud, los nombres dados á los Negros, los nombres de los buques en que fueron capturados, los nombres de las personas á cuyo cuidado hubiesen sido encomendados, y cualesquieras otras circunstancias que puedan contribuir á la completa y permanente libertad y bien estar de semejantes Negros emancipados.

Artículo VI. El registro á que se refiere el anterior Artículo, sevirá para formar una lista general que el Gobernador de aquel punto de las posesiones de la Confederacion Argentina, en que el Tribunal Mixto de Justicia resida, estará obligado á entregar cada semestre á la ya dicha Comision Mixta, para comprobar la continuacion de libertad de los Negros emancipados con arreglo á este Tratado, la mejora efectuada en su condicion, y el progreso hecho en su instruccion religiosa y moral, y en su adquisicion de las artes de la vida. La predicha lista tambien especificará los nombres y descripciones de aquellos Negros emancipados que hubiesen finado despues del periodo de la ultima lista.

Artículo VII. Las Altas Partes Contratantes convienen que si en lo sucesivo pareciere necesario adoptar nuevas medidas, á consecuencia de que las establecidas en este Adicional resultasen ineficaces, las dichas Altas Partes Contratantes consultarán juntas, y convendrán sobre los medios mejor adaptados para el completo logro de los objetos que tienen en vista.

Artículo VIII. Los Plenipotenciarios infrascriptos han convenido, en conformidad con el Artículo Decimo-tercio del Tratado firmado por ellos hoy veinte y cuatro de Mayo, de mil ocho cientos treinta y nueve, que este Adicional, consistente de ocho Artículos, será unido al dicho Tratado, y

será considerado como parte integrante del Tratado firmado hoy veinte y cuatro de Mayo, de mil ocho cientos treinte y nueve. (L.S.) J. H. MANDEVILLE.
(L.S.) FELIPE ARANA.

Artículos adicionales al Tratado concluido este dia, veinte y cuatro de Mayo de mil ocho cientos treinta y nueve, entre Su Magestad Británica y el Gobierno de Buenos Ayres, encargado de las Relaciones Exteriores de la Confederacion Argentina, para la supresion del Tráfico de Esclavos.

ARTICULO I. Está convenido y entendido, que si mediase alguna demora en nombrar el juez y el arbitrador que debe elegirse por parte de la Confederacion Argentina para emplearse en tal caracter en cada uno de los Tribunales Mixtos de Justicia que deben establecerse segun el Tratado; ó si alguna vez, despues de ser nombrados, aquellos oficiales se ausentasen, entonces y en cualesquiera casos semejantes, el juez y arbitrador que hayan sido nombrados por parte de Su Magestad Británica, que se encuentren presentes en el dicho Tribunal, procederán, en ausencia del juez y arbitrador Argentinos, á hacer la apertura de dichos Tribunales, y á adjudicar en aquellos casos que sean producidos ante ellos segun el Tratado; y la sentencia prononciada sobre tales casos por el dicho juez y arbitrador Británicos, tendrá la misma fuerza y validez, como si el juez y arbitrador por parte de la Confederacion Argentina hubiesen sido nombrados, y hubiesen estado presentes y ejerciendo su encargo en los Tribunales Mixtos en los casos en cuestion.

Artículo II. Tambien se conviene, no obstante las provisiones del primer Artículo del adicional B, que mientras que no hubiesen sido nombrados juez y arbitrador, será innecesario que la Confederacion Argentina nombre el secretario ó actuario designado en dicho Artículo; que en el interin el secretario ó actuario, del Tribunal que exista dentro del territorio de la Confederacion Argentina, será nombrado y pagado por el Gobierno de Su Magestad Británica, y que todos los costos de ambos Tribunales que deben establecerse segun el Tratado, serán sufridos por el Gobierno de Su Magestad Británica.

Artículo III. Si al vertirse este Tratado al idioma Español, se incidiese en algun error involuntario en la traduccion, el texto Ingles deberá ser seguido.

Los presentes Artículos Adicionales formarán una parte integrante del Tratado para la supresion del Tráfico de Esclavos firmado hoy, y tendrán la misma fuerza y validez, como si estuviesen insertos palabra por palabra en aquel Tratado, y serán ratificados tan pronto como sea posible dentro del término de ocho meses de la fecha del presente Tratado.

Hecho en Buenos Ayres, hoy viente y cuatro de Mayo, de mil ocho cientos treinta y nueve.

(L.S.) J. H. MANDEVILLE.
(L.S.) FELIPE ARANA.

AUSTRIA, FRANCE, PRUSSIA, AND RUSSIA.

TREATY *between Great Britain, Austria, France, Prussia, and Russia, for the suppression of the African Slave Trade.—Signed at London, December* 20, 1841.

[Ratifications exchanged at London, Feb. 19, 1842.]

In the Name of the Most Holy and Undivisible Trinity.

THEIR Majesties the Emperor of Austria, King of Hungary and Bohemia, the King of Prussia, and the Emperor of all the Russias, being desirous to give full and complete effect to the principles which have already been recorded in the solemn Declarations made by Austria, Prussia, and Russia, in common with other European Powers, at the Congress of Vienna, on the 8th of February, 1815, and at the Congress of Verona, on the 28th of November, 1822, Declarations by which the said Powers announced that they were ready to concur in everything that might secure and accelerate the complete and final abolition of the Slave Trade; and their Majesties having been invited by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and by His Majesty the King of the French, to conclude a Treaty for the more effectual suppression of the Traffic, their said Majesties

*

have determined to negotiate and conclude together a treaty for the final abolition of that Traffic: and to this end they have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable George Earl of Aberdeen, Viscount Gordon, Viscount Formartine, Lord Haddo, Methlick, Tarvis, and Kellie, a Peer of the United Kingdom, a Member of Her Majesty's Most Honourable Privy Council, Knight of the Most Ancient and Most Noble Order of the Thistle, and Her Majesty's Principal Secretary of State for Foreign Affairs:

His Majesty the Emperor of Austria, King of Hungary and Bohemia, the Sieur Augustus, Baron de Koller, Knight of the Order of St. Ferdinand and of Merit of Sicily, Councillor of Embassy, His Chargé d'Affaires and Plenipotentiary in London:

His Majesty the King of the French, the Sieur Louis de Beaupoil, Count of Ste. Aulaire, a Peer of France, Grand Officer of the Royal Order of the Legion of Honour, Grand Cross of the Order of Leopold of Belgium, one of the Forty of the French Academy, His Ambassador Extraordinary to Her Britannic Majesty;

His Majesty the King of Prussia, the Sieur Alexander Gustavus Adolphus, Baron de Schleinitz, Knight of the Royal Order of St. John of Jerusalem, His Chamberlain, Councillor of Legation, Chargé d'Affaires and Plenipotentiary in London;

And His Majesty the Emperor of all the Russias, the Sieur Philip, Baron de Brunnow, Knight of the Order of the White Eagle, of St. Anne of the first class, of St. Stanislaus of the first class, of St. Wladimir of the third, Commander of the Order of St. Stephen of Hungary, Knight of the Order of the Red Eagle and of St. John of Jerusalem, His Privy Councillor, Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty:

Who, after having communicated to each other their full powers, found to be in good and due form, have agreed upon and signed the following Articles:—

ARTICLE I. Their Majesties the Emperor of Austria, King of Hungary and Bohemia, the King of Prussia, and the Emperor of all the Russias, engage to prohibit all

Trade in Slaves, either by their respective subjects, or under their respective flags, or by means of capital belonging to their respective subjects; and to declare such Traffic piracy. Their Majesties further declare, that any vessel which may attempt to carry on the Slave Trade, shall, by that fact alone, lose all right to the protection of their flag.

Article II. In order more completely to accomplish the object of the present Treaty, the High Contracting Parties agree by common consent, that those of their ships of war which shall be provided with special warrants and orders, prepared according to the forms of the Annex A of the present Treaty, may search every merchant vessel belonging to any one of the High Contracting Parties which shall, on reasonable grounds, be suspected of being engaged in the Traffic in Slaves, or of having been fitted out for that purpose, or of having been engaged in the Traffic during the voyage in which she shall have been met with by the said cruizers; and that such cruizers may detain, and send or carry away such vessels in order that they may be brought to trial in the manner hereafter agreed upon.

Nevertheless, the above-mentioned right of searching the merchant vessels of any one or other of the High Contracting Parties, shall be exercised only by ships of war whose commanders shall have the rank of Captain, or that of Lieutenant in the Royal or Imperial Navy, unless the command shall, by reason of death or otherwise, have devolved upon an officer of inferior rank. The commander of such ship of war shall be furnished with warrants according to the form annexed to the present Treaty, under letter A.

The said mutual right of search shall not be exercised within the Mediterranean Sea. Moreover, the space within which the exercise of the said right shall be confined, shall be bounded, on the north, by the 32nd parallel of north latitude: on the west, by the eastern coast of America, from the point where the 32nd parallel of north latitude strikes that coast, down to the 45th parallel of south latitude: on the south, by the 45th parallel of south latitude, from the point where that parallel strikes the eastern coast of America to the 80th degree of longitude

east from the meridian of Greenwich: and on the east, by the same degree of longitude, from the point where it is intersected by the 45th parallel of south latitude up to the coast of India.

Article III. Each of the High Contracting Parties which may choose to employ cruizers for the suppression of the Slave Trade, and to exercise the mutual right of search, reserves to itself to fix, according to its own convenience, the number of the ships of war which shall be employed on the service stipulated in the second Article of the present Treaty, as well as the stations on which the said ships shall cruize.

The names of the ships appointed for this purpose, and those of their commanders, shall be communicated by each of the High Contracting Parties to the others; and they shall reciprocally apprize each other every time that a cruizer shall be placed on a station, or shall be recalled from thence, in order that the necessary warrants may be delivered by the Governments authorizing the search, and returned to those Governments by the Government which has received them, when those warrants shall no longer be necessary for the execution of the present Treaty.

Article IV. Immediately after the Government which employs the cruizers shall have notified to the Government which is to authorize the search, the number and the names of the cruizers which it intends to employ, the warrants authorizing the search shall be made out according to the form annexed to the present Treaty, under letter A, and shall be delivered by the Government which authorizes the search to the Government which employs the cruizer.

In no case shall the mutual right of search be exercised upon the ships of war of the High Contracting Parties.

The High Contracting Parties shall agree upon a particular signal, to be used exclusively by those cruizers which shall be invested with the right of search.

Article V. The cruizers of the High Contracting Parties authorized to exercise the right of search and detention in execution of the present Treaty, shall conform themselves strictly to the Instructions annexed to the said Treaty, under letter B, in all that relates to the formalities of the

search and of the detention, as well as to the measures to be taken, in order that the vessels suspected of having been employed in the traffic, may be delivered over to the competent Tribunals.

The High Contracting Parties reserve to themselves the right of making in these Instructions by common consent, such alterations as circumstances may render necessary.

The cruizers of the High Contracting Parties shall mutually afford to each other assistance in all cases when it may be useful that they should act in concert.

Article VI. Whenever a merchant vessel, sailing under the flag of one of the High Contracting Parties, shall have been detained by a cruizer of the other, duly authorized to that effect, conformably to the provisions of the present Treaty, such merchant vessel, as well as the master, the crew, the cargo, and the Slaves who may be on board, shall be brought into such place as the High Contracting Parties shall have respectively designated for that purpose; and they shall be delivered over to the Authorities appointed with that view by the Government within whose possessions such place is situated, in order that proceedings may be had with respect to them before the competent Tribunals, in the manner hereafter specified.

When the commander of the cruizer shall not think fit to undertake himself the bringing in and the delivery up of the detained vessel, he shall entrust that duty to an officer of the rank of Lieutenant in the Royal or Imperial Navy, or at least to the officer who shall at the time be the third in authority on board the detaining ship.

Article VII. If the commander of a cruizer of one of the High Contracting Parties should have reason to suspect that a merchant vessel sailing under the convoy of, or in company with, a ship of war of one of the other Contracting Parties, has been engaged in the Slave Trade, or has been fitted out for that Trade, he shall make known his suspicions to the commander of the ship of war, who shall proceed alone to search the suspected vessel; and in case the last-mentioned commander should ascertain that the suspicion is well founded, he shall cause the vessel, as well as the master, the crew, the cargo, and the Slaves who may be on board, to be taken into a port belonging to the nation

of the detained vessel, to be there proceeded against before the competent Tribunals, in the manner hereafter directed.

Article VIII. As soon as a merchant vessel, detained, and sent in for adjudication, shall arrive at the port to which she is to be carried in conformity with Annex B to the present Treaty, the commander of the cruizer which shall have detained her, or the officer appointed to bring her in, shall deliver to the authorities appointed for that purpose, a copy, signed by himself, of all the lists, declarations, and other documents specified in the Instructions annexed to the present Treaty, under letter B; and the said authorities shall proceed, in consequence, to the search of the detained vessel and of her cargo, as also to an inspection of her crew, and of the Slaves who may be on board, after having previously given notice of the time of such search and inspection, to the commander of the cruizer, or to the officer who shall have brought in the vessel, in order that he, or some person whom he may appoint to represent him, may be present thereat.

A minute of these proceedings shall be drawn up in duplicate, which shall be signed by the persons who shall have taken part in, or who shall have been present at, the same; and one of those documents shall be delivered to the commander of the cruizer, or to the officer appointed by him to bring in the detained vessel.

Article IX. Every merchant vessel of any one or other of the Five Nations, which shall be searched and detained in virtue of the provisions of the present Treaty, shall, unless proof be given to the contrary, be deemed to have been engaged in the Slave Trade, or to have been fitted out for that Traffic, if in the fitting, in the equipment, or on board the said vessel during the voyage in which she was detained, there shall be found to have been one of the articles hereafter specified, that is to say:

First. Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

Secondly. Divisions or bulk heads, in the hold or on deck, in greater number than are necessary for vessels engaged in lawful trade.

Thirdly. Spare plank fitted for being laid down as a second or Slave-deck.

Fourthly. Shackles, bolts, or handcuffs.

Fifthly. A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of such merchant vessel.

Sixthly. An extraordinary number of water-casks, or of other receptacles for holding liquid; unless the master shall produce a certificate from the custom-house at the place from which he cleared outwards, stating that sufficient security had been given by the owners of such vessel, that such extra number of casks or of other receptacles, should only be used to hold palm-oil, or for other purposes of lawful commerce.

Seventhly. A greater quantity of mess-tubs or kids, than are requisite for the use of the crew of such merchant vessel.

Eighthly. A boiler, or other cooking apparatus, of an unusual size, and larger, or capable of being made larger, than requisite for the use of the crew of such merchant vessel; or more than one boiler, or other cooking apparatus, of the ordinary size.

Ninthly. An extraordinary quantity of rice, of the flour of Brazil manioc, or cassada, commonly called farina, or of maize, or of Indian corn, or of any other article of food whatever, beyond the probable wants of the crew; unless such quantity of rice, farina, maize, Indian corn, or any other article of food, should be entered on the manifest, as forming part of the trading cargo of the vessel.

Tenthly. A quantity of mats or matting, greater than is necessary for the use of such merchant vessel, unless such mats or matting be entered on the manifest, as forming part of the cargo.

If it is established that one or more of the articles above specified, are on board, or have been on board during the voyage in which the vessel was captured, that fact shall be considered as *primâ facie* evidence that the vessel was employed in the traffic; she shall in consequence be condemned, and declared lawful prize, unless the master or the owners shall furnish clear and incontrovertible evidence, proving to the satisfaction of the Tribunal, that at the time of her detention or capture, the vessel was employed in a lawful undertaking; and that such of the different articles

above specified, as were found on board at the time of detention, or which might have been embarked during the voyage on which she was engaged when she was captured, were indispensable for the accomplishment of the lawful object of her voyage.

Article X. Proceedings shall be immediately taken against the vessel detained, as above stated, her master, her crew, and her cargo, before the competent Tribunals of the country to which she belongs; and they shall be tried and adjudged according to the established forms and laws in force in that country: and if it results from the proceedings, that the said vessel was employed in the Slave Trade, or fitted out for that traffic, the vessel, her fittings, and her cargo of merchandize, shall be confiscated; and the master, the crew, and their accomplices, shall be dealt with, conformably to the laws by which they shall have been tried.

In case of confiscation, the proceeds of the sale of the aforesaid vessel shall, within the space of six months, reckoning from the date of the sale, be placed at the disposal of the Government of the country to which the ship which made the capture belongs, in order to be employed in conformity with the laws of that country.

Article XI. If any one of the articles specified in Article IX of the present Treaty is found on board a merchant vessel, or if it is proved to have been on board of her during the voyage in which she was captured, no compensation for losses, damages, or expenses, consequent upon the detention of such vessel, shall in any case be granted, either to the master, or to the owner, or to any other person interested in the equipment or in the lading, even though a sentence of condemnation shall not have been pronounced against the vessel, as a consequence of her detention.

Article XII. In all cases in which a vessel shall have been detained, in conformity with the present Treaty, as having been employed in the Slave Trade, or fitted out for that traffic, and shall, in consequence, have been tried and confiscated, the Government of the cruizer which shall have made the capture, or the Government whose Tribunal shall have condemned the vessel, may purchase the condemned

vessel for the service of its royal navy, at the price fixed by a competent person, selected for that purpose by the said Tribunal. The Government whose cruizer shall have made the capture shall have a right of preference in the purchase of the vessel. But if the condemned vessel should not be purchased in the manner above pointed out, she shall be wholly broken up immediately after the sentence of confiscation, and sold in separate portions after having been broken up.

Article XIII. When by the sentence of the competent Tribunal, it shall have been ascertained that a merchant vessel, detained in virtue of the present Treaty, was not engaged in the Slave Trade, and was not fitted out for that traffic, she shall be restored to the lawful owner or owners. And if, in the course of the proceedings, it should have been proved that the vessel was searched and detained illegally, or without sufficient cause of suspicion; or that the search and detention were attended with abuse or vexation, the commander of the cruizer, or the officer who shall have boarded the said vessel, or the officer who shall have been entrusted with bringing her in, and under whose authority, according to the nature of the case, the abuse or vexation shall have occurred, shall be liable in costs and damages, to the master and the owners of the vessel and of the cargo.

These costs and damages may be awarded by the Tribunal before which the proceedings against the detained vessel, her master, crew, and cargo, shall have been instituted; and the Government of the country to which the officer who shall have given occasion for such award shall belong, shall pay the amount of the said costs and damages, within the period of six months from the date of the sentence, when the sentence shall have been pronounced by a Tribunal sitting in Europe; and within the period of one year, when the trial shall have taken place out of Europe.

Article XIV. When in the search or detention of a merchant vessel effected in virtue of the present Treaty, any abuse or vexation shall have been committed, and when the vessel shall not have been delivered over to the jurisdiction of her own nation, the master shall make a declaration, upon oath, of the abuses or vexations of which

he shall have to complain, as well as of the costs and damages to which he shall lay claim; and such declaration shall be made by him before the competent authorities of the first port of his own country at which he shall arrive, or before the Consular Agent of his own nation at a foreign port, if the vessel shall in the first instance touch at a foreign port where there is such an agent.

This declaration shall be verified by means of an examination, upon oath, of the principal persons amongst the crew or the passengers who shall have witnessed the search or detention; and a formal statement of the whole shall be drawn up, two copies whereof shall be delivered to the master, who shall forward one of them to his Government, in support of his claim for costs and damages.

It is understood, that if any circumstance beyond controul shall prevent the master from making his declaration, it may be made by the owner of the vessel, or by any other person interested in the equipment or in the lading of the vessel.

On a copy of the formal statement above mentioned being officially transmitted to it, the Government of the country to which the officer to whom the abuses or vexations shall be imputed, shall belong, shall forthwith institute an inquiry; and if the validity of the complaint shall be ascertained, that Government shall cause to be paid to the master or the owner, or to any other person interested in the equipment or lading of the molested vessel, the amount of costs and damages which shall be due to him.

Article XV. The High Contracting Parties engage reciprocally to communicate to each other, when asked to do so, and without expense, copies of the proceedings instituted, and of the judgments given, relative to vessels searched or detained in execution of the provisions of this Treaty.

Article XVI. The High Contracting Parties agree to ensure the immediate freedom of all the Slaves who shall be found on board vessels detained and condemned in virtue of the stipulations of the present Treaty.

Article XVII. The High Contracting Parties agree to invite the maritime Powers of Europe which have not yet

concluded treaties for the abolition of the Slave Trade, to accede to the present Treaty.

Article XVIII. The Acts or Instruments annexed to the present Treaty, and which it is mutually agreed to consider as forming an integral part thereof, are the following:—

A. Forms of Warrants of authorization, and of Orders for the guidance of the cruizers of each nation, in the searches and detentions to be made in virtue of the present Treaty.

B. Instructions for the cruizers of the naval forces employed in virtue of the present Treaty, for the suppression of the Slave Trade.

Article XIX. The present Treaty, consisting of nineteen Articles, shall be ratified, and the ratifications thereof shall be exchanged at London at the expiration of two months from this date, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the present Treaty, in English and French, and have thereunto affixed the seal of their arms.

Done at London, the twentieth day of December, in the year of our Lord one thousand eight hundred and forty-one.

(L.S.) ABERDEEN.
(L.S.) KOLLER.
(L.S.) STE. AULAIRE.
(L.S.) SCHLEINITZ.
(L.S.) BRUNNOW.

ANNEX A, *to the Treaty between Great Britain, Austria, France, Prussia, and Russia, for the suppression of the African Slave Trade, signed at London, the 20th of December*, 1841.

Form I. Warrants, in virtue of which a cruizer of one of the High Contracting Parties to this Treaty may visit and detain a merchant vessel belonging to, or bearing a flag of, another of the High Contracting Parties, and suspected

of being engaged in the Slave Trade, or of being fitted out for that traffic.

Whereas, by a Treaty concluded between Great Britain, Austria, France, Prussia, and Russia, signed at London on the twentieth of December, 1841, *for the total suppression of the African Slave Trade, it was stipulated that certain cruizers belonging to the said countries respectively, should be instructed to visit and detain, within particular limits, merchant vessels of the other Contracting Parties, engaged in the Traffic in Slaves, or suspected of being fitted out for that traffic; and whereas the Government of has thought fit that the vessel you command shall be one of the cruizers furnished with the said special Instructions, you will accordingly receive Instructions from the said Government for your guidance on the said service: you are therefore authorized, by virtue of those Instructions, and of the present Warrant, to visit merchant vessels under the flag, suspected of being engaged in the Traffic in Slaves, within the limits set forth in the 2nd Article of the said Treaty, and to deal with such vessels as shall have engaged in the Slave Trade, or shall be suspected of being fitted out for that traffic, as pointed out in the said Treaty, and in the Instructions thereunto annexed.*

Given under our hands and the seal of the office of the day of

To the Commander of the

Form II. Orders for the guidance of the commander of the cruizer of one of the High Contracting Parties in visiting and detaining a merchant vessel belonging to, or bearing the flag of, another of the High Contracting Parties.

Whereas, by a Treaty concluded between Great Britain, Austria, France, Prussia, and Russia, signed at London on the twentieth of December, 1841, *for the total suppression of the African Slave Trade, it was stipulated that certain*

cruizers belonging to the said countries respectively, shall be authorized, under special Instructions therein mentioned, to visit and detain, within particular limits, merchant vessels of the other Contracting Parties engaged in the Slave Trade, or suspected of being fitted out for that traffic: and whereas We think fit that the vessel you command shall be one of the cruizers furnished with the said special Instructions, We herewith transmit to you a copy of the said Treaty of the 20th of December, and of the Instructions thereunto annexed hereinbefore mentioned; and you are accordingly authorized by virtue of this present Order, and of the accompanying Warrant from the Government of to visit, within the limits set forth in the 2nd Article of the said Treaty, merchant vessels under the flag, suspected of being engaged in the Slave Trade, and to deal with such vessels as shall have engaged in that traffic, or shall be suspected of being fitted out for that traffic, in the manner pointed out in the said Treaty, Warrant, and Instructions; and We charge and require you to conform most strictly to all the Provisions and Stipulations contained therein, taking care to exercise the authority so conferred upon you in the mildest manner, and with every attention which is due between allied and friendly nations, and to co-operate cordially with the commanders of any vessels of war employed in the same service.

Given under our hands, and the seal of the office of the day of

To the Commander of the

These forms of Warrants and Orders shall be annexed to the Treaty signed this day between Great Britain, Austria, France, Prussia, and Russia, for the suppression of African Slave Trade, and shall be considered as an integral part of that Treaty.

In witness whereof, the Plenipotentiaries of the High Contracting Parties have signed this Annex, and have thereunto affixed the seal of their arms.

Done at London, the twentieth day of December, in the year of our Lord one thousand eight hundred and forty-one.

(L.S.) ABERDEEN.
(L.S.) KOLLER.
(L.S.) STE. AULAIRE.
(L.S.) SCHLEINITZ.
(L.S.) BRUNNOW.

ANNEX B, *to the Treaty between Great Britain, Austria, France, Prussia, and Russia, for the suppression of the African Slave Trade, signed at London, the 20th of December*, 1841.

Instructions to Cruizers.

First. Whenever a merchant vessel belonging to, or bearing the flag of, any one of the High Contracting Parties, shall be visited by a cruizer of any one of the other High Contracting Parties, the officer commanding the cruizer shall, before he proceeds to the visit, exhibit to the master of such vessel, the special orders which confer upon him by exception the right to visit her; and he shall deliver to such master a certificate, signed by himself, specifying his rank in the navy of his country, and the name of the ship which he commands, and declaring that the only object of his visit is to ascertain whether the vessel is engaged in the Slave Trade, or is fitted out for the purpose of such traffic, or has been engaged in that traffic during the voyage in which she has been met with by the said cruizer. When the visit is made by an officer of the cruizer other than her commander, such officer shall not be under the rank of Lieutenant in the Navy; unless he be the officer who at the time, is second in command of the ship by which the visit is made: and in this case, such officer shall exhibit to the master of the merchant vessel a copy of the special orders above mentioned, signed by the commander of the cruizer; and shall likewise deliver to such master a certificate, signed by himself, specifying the

rank which he holds in the navy of his country, the name of the commander under whose orders he is acting, the name of the cruizer to which he belongs, and the object of his visit, as hereinbefore recited.

If it shall be ascertained by the visit that the ship's papers are regular, and her proceedings lawful, the officer shall certify upon the log-book of the vessel, that the visit took place in virtue of the special orders above mentioned: and when these formalities shall have been completed, the vessel shall be permitted to continue her course.

Secondly. If, in consequence of the visit, the officer commanding the cruizer shall be of opinion, that there are sufficient grounds for believing that the vessel is engaged in the Slave Trade, or has been fitted out for that traffic, or has been engaged in that traffic during the voyage in which she is met with by the cruizer; and if he shall, in consequence, determine to detain her, and to have her delivered up to the jurisdiction of the competent authorities, he shall forthwith cause a list to be made out, in duplicate, of all the papers found on board, and he shall sign this list and the duplicate, adding, after his own name, his rank in the navy, and the name of the vessel under his command.

He shall in like manner make out and sign, in duplicate, a declaration, stating the place and time of the detention, the name of the vessel, and that of her master, the names of the persons composing her crew, and the number and condition of the Slaves found on board.

This declaration shall further contain an exact description of the state of the vessel and of her cargo.

Thirdly. The commander of the cruizer shall, without delay, carry or send the detained vessel, with her master, crew, passengers, cargo, and the Slaves found on board, to one of the ports hereinafter specified, in order that proceedings may be instituted in regard to them, conformably to the laws of the country under whose flag the vessel is sailing; and he shall deliver the same to the competent authorities, or to the persons who shall have been specially appointed for that purpose by the Government to whom such port shall belong.

Fourthly. No person whatever shall be taken out of the

detained vessel; nor shall any part of her cargo, nor any of the Slaves found on board, be removed from her, until after such vessel shall have been delivered over to the authorities of her own nation; unless the removal of the whole or part of the crew, or of the Slaves found on board, shall be deemed necessary, either for the preservation of their lives, or from any other consideration of humanity, or for the safety of the persons who shall be charged with the navigation of the vessel after her detention. In any such case, the commander of the cruizer, or the officer appointed to bring in the detained vessel, shall make a declaration of such removal, in which he shall specify the reasons for the same; and the masters, sailors, passengers, or Slaves, so removed, shall be carried to the same port as the vessel and her cargo, and they shall be received in the same manner as the vessel, agreeably to the regulations hereinafter set forth.

Provided always, that nothing in this paragraph shall be understood as applying to Slaves found on board of Austrian, Prussian, or Russian vessels; but such Slaves shall be disposed of as is specified in the following paragraphs.

Fifthly. All Austrian vessels which shall be detained on the stations of America, or Africa, by the cruizers of the other Contracting Parties, shall be carried and delivered up to the Austrian jurisdiction at Trieste.

But if Slaves shall be found on board any such Austrian vessel at the time of her detention, the vessel shall, in the first instance, be sent to deposit the Slaves at that port to which she would have been taken for adjudication, if she had been sailing under the English or French flag. The vessel shall afterwards be sent on, and shall be delivered up to the Austrian jurisdiction at Trieste, as above stipulated.

All French vessels which shall be detained on the western coast of Africa by cruizers of the other Contracting Parties, shall be carried and delivered up to the French jurisdiction at Goree.

All French vessels which shall be detained on the eastern coast of Africa by the cruizers of the other Contracting Parties, shall be carried and delivered up to the French jurisdiction at the Isle of Bourbon.

All French vessels which shall be detained on the coast of America to the southward of the 10th degree of north latitude, by the cruizers of the other Contracting Parties, shall be carried and delivered up to the French jurisdiction at Cayenne.

All French vessels which shall be detained in the West Indies, or on the coast of America to the northward of the 10th degree of north latitude, by the cruizers of the other Contracting Parties, shall be carried and delivered up to the French jurisdiction at Martinique.

All British vessels which shall be detained on the western coast of Africa by the cruizers of the other Contracting Parties, shall be carried and delivered up to the British jurisdiction at Bathurst on the river Gambia.

All British vessels which shall be detained on the eastern coast of Africa by the cruizers of the other Contracting Parties, shall be carried and delivered up to the British jurisdiction at the Cape of Good Hope.

All British vessels which shall be detained on the coast of America by the cruizers of the other Contracting Parties, shall be carried and delivered up to the British jurisdiction at the colony of Demerara, or at Port Royal in Jamaica, according as the commander of the cruizer may think most convenient.

All British vessels which shall be detained in the West Indies by the cruizers of the other Contracting Parties, shall be carried and delivered up to the British jurisdiction at Port Royal, in Jamaica.

All Prussian vessels which shall be detained on the stations of America or Africa, by the cruizers of the other Contracting Parties, shall be carried and delivered up to the Prussian jurisdiction at Stettin.

But if Slaves should be found on board any such Prussian vessel at the time of her detention, the vessel shall, in the first instance, be sent to deposit the Slaves at that port to which she would have been taken for adjudication if she had been sailing under the English or French flag. The vessel shall afterwards be sent on, and shall be delivered up to the Prussian jurisdiction at Stettin as above stipulated.

All Russian vessels which shall be detained on the stations of America or Africa, by the cruizers of the other

Contracting Parties, shall be carried and delivered up to the Russian jurisdiction at Cronstadt or at Reval, according as the season of the year may allow the one or the other of those ports to be reached.

But if Slaves shall be found on board any such Russian vessel at the time of her detention, the vessel shall, in the first instance, be sent to deposit the Slaves at that port to which she would have been taken for adjudication, if she had been sailing under the English or French flag. The vessel shall afterwards be sent on, and shall be delivered up to the Russian jurisdiction at Cronstadt or at Reval, as above stipulated.

Sixthly. As soon as a merchant vessel, which shall have been detained as aforesaid, shall arrive at one of the ports or places above-mentioned, the commander of the cruizer, or the officer appointed to bring in such detained vessel, shall forthwith deliver to the authorities duly appointed for that purpose by the Government within whose territory such port or place shall be, the vessel and her cargo, together with the master, crew, passengers, and Slaves found on board, and also the papers which shall have been seized on board the vessel, and one of the duplicate lists of the said papers, retaining the other in his own possession. Such officer shall, at the same time, deliver to the said authorities one of the original declarations, as hereinbefore specified, adding thereto a statement of any changes which may have taken place from the time of the detention of the vessel to that of the delivery, as well as a copy of the statement of any removals which may have taken place, as above provided for.

In delivering over these several documents, the officer shall make, in writing, and on oath, an attestation of their truth.

Seventhly. If the commander of a cruizer of one of the High Contracting Parties, who shall be duly furnished with the aforesaid special Instructions, shall have reason to suspect that a merchant vessel, sailing under convoy of, or in company with, a ship of war of any one of the other Contracting Parties, is engaged in the Slave Trade, or has been fitted out for the purpose of that traffic, or has been engaged in the Traffic in Slaves during the voyage in which she is met with by the said cruizer, he shall confine himself

to communicating his suspicions to the commander of the ship of war; and he shall leave it to the latter to proceed alone to visit the suspected vessel, and to deliver her up to the jurisdiction of her own country, if there should be cause for doing so.

Eighthly. By Article IV of the Treaty it is stipulated, that in no case shall the mutual right of visit be exercised upon ships of war of the High Contracting Parties.

It is agreed that this exemption shall apply equally to vessels of the Russian-American Company, which, being commanded by officers of the Imperial Navy, are authorized by the Imperial Government to carry a flag which distinguishes them from the merchant navy, and are armed and equipped similarly to transports of war.

It is further understood that the said vessels shall be furnished with a Russian patent, which shall prove their origin and destination. The form of this patent shall be drawn up by common consent. It is agreed that this patent, when issued by the competent authority in Russia, shall be countersigned at St. Petersburgh by the Consulates of Great Britain and France.

Ninthly. In the 3rd Clause of Article IX of the Treaty it is stipulated that, failing proof to the contrary, a vessel shall be presumed to be engaged in the Slave Trade, if there be found on board spare plank fitted for being laid down as a second or slave-deck.

In order to prevent any abuse which might arise from an arbitrary interpretation of this clause, it is especially recommended to the cruizers not to apply it to Austrian, Prussian, or Russian vessels, employed in the timber trade, whose manifests shall prove that the planks and joists which they have, or have had, on board are, or were, a part of their cargo for trade.

Therefore, in order not to harass lawful commerce, cruizers are expressly enjoined only to act upon the stipulations contained in the 3rd Clause of Article IX, when there shall be on board the vessel visited spare plank evidently destined to form a slave-deck.

The undersigned Plenipotentiaries have agreed, in conformity with the 18th Article of the Treaty signed by them this day, that these Instructions shall be annexed to the

Treaty signed this day between Great Britain, Austria, France, Prussia, and Russia, for the suppression of African Slave Trade, and shall be considered as an integral part of that Treaty.

In witness whereof, the Plenipotentiaries of the High Contracting Parties have signed this Annex, and have thereunto affixed the seal of their arms.

Done at London, the twentieth day of December, in the year of our Lord one thousand eight hundred and forty-one.

(L.S.) ABERDEEN.
(L.S.) KOLLER.
(L.S.) STE. AULAIRE.
(L.S.) SCHLEINITZ.
(L.S.) BRUNNOW.

Au nom de la Très Sainte et Indivisible Trinité.

LEURS Majestés l'Empereur d'Autriche, Roi d'Hongrie et de Bohême, le Roi de Prusse, et l'Empereur de toutes les Russies, voulant donner un plein et entier effet aux principes déjà énoncés dans les Déclarations solennelles faites par l'Autriche, la Prusse, et la Russie, d'accord avec d'autres Puissances Européennes, au Congrès de Vienne, le 8 Février, 1815, et au Congrès de Vérone, le 28 Novembre, 1822, Déclarations par lesquelles les dites Puissances ont annoncé qu'elles étaient prêtes à concourir à tout ce qui pourrait assurer et accélérer l'abolition complète et finale de la Traite des Nègres : et leurs Majestés ayant été invitées par Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et par Sa Majesté le Roi des Français, à conclure un Traité pour la suppression plus efficace de la Traite, leurs dites Majestés ont résolu de négocier et de conclure ensemble un Traité pour l'abolition finale de ce trafic : et à cet effet elles ont nommé pour leurs Plénipotentiaires, savoir :—

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable George, Comte de Aberdeen, Vicomte Gordon, Vicomte Formartine, Lord Haddo, Methlick, Tarvis, et Kellie, Pair du Royaume Uni, Conseiller de Sa Majesté en son Conseil Privé, Chevalier

du Très Ancien et Très Noble Ordre du Chardon, et Principal Secrétaire d'Etat de Sa Majesté ayant le Département des Affaires Etrangères;

Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, le Sieur Auguste, Baron de Koller, Chevalier de l'Ordre de St. Ferdinand et du Mérite de Sicile, Conseiller d'Ambassade, son Chargé d'Affaires et Plénipotentiaire à Londres;

Sa Majesté le Roi des Français, le Sieur Louis de Beaupoil, Comte de Ste. Aulaire, Pair de France, Grand Officier de l'Ordre Royal de la Légion d'Honneur, Grand-Croix de l'Ordre de Léopold de Belgique, l'un des Quarante de l'Académie Française, son Ambassadeur Extraordinaire près Sa Majesté Britannique;

Sa Majesté le Roi de Prusse, le Sieur Alexandre Gustave Adolphe, Baron de Schleinitz, Chevalier de l'Ordre Royal de St. Jean de Jérusalem, son Chambellan, Conseiller de Légation Actuel, Chargé d'Affaires et Plénipotentiaire à Londres;

Et Sa Majesté l'Empereur de toutes les Russies, le Sieur Philippe, Baron de Brunnow, Chevalier de l'Ordre de l'Aigle Blanc, de Ste. Anne de première classe, de St. Stanislas de première classe, de St. Wladimir de troisième, Commandeur de l'Ordre de St. Etienne de Hongrie, Chevalier de l'Ordre de l'Aigle Rouge et de St. Jean de Jérusalem, son Conseiller Privé, Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique:—

Lesquels, après s'être communiqué leurs pleins-pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivans:

Article I. Leurs Majestés l'Empereur d'Autriche, Roi de Hongrie et de Bohême, le Roi de Prusse, et l'Empereur de toutes les Russies, s'engagent à prohiber toute Traite des Nègres, soit de la part de leurs sujets respectifs, soit sous leurs pavillons respectifs, soit au moyen de capitaux appartenant à leurs sujets respectifs; et à déclarer un tel trafic crime de piraterie. Leurs Majestés déclarent, en outre, que tout navire qui tenterait d'exercer la Traite des Nègres, perdra, par ce seul fait, tout droit à la protection de leur pavillon.

Article II. Afin d'atteindre plus complètement le but du

présent Traité, les Hautes Parties Contractantes sont convenues d'un commun accord, que ceux de leurs bâtimens de guerre qui seront munis de Mandats et d'Ordres spéciaux dressés d'après les formules de l'Annexe A du présent Traité, pourront visiter tout navire marchand appartenant à l'une ou l'autre des Hautes Parties Contractantes, qui, sur des présomptions fondées, sera soupçonné de se livrer à la Traite des Nègres, ou d'avoir été équipé à cette fin, ou de s'être livré à cette Traite pendant la traversée où il aura été rencontré par les dits croiseurs ; et que ces croiseurs pourront arrêter, et envoyer ou emmener les dits navires, afin qu'ils puissent être mis en jugement d'après le mode convenu ci-après.

Toutefois le droit ci-dessus mentionné de visiter les navires marchands de l'une ou l'autre des Hautes Parties Contractantes, ne pourra être exercé que par des bâtimens de guerre dont les commandans auront le grade de capitaine, ou celui de lieutenant dans la marine royale ou impériale, à moins que par suite de décès, ou autre cause, le commandement ne soit échu à un officier d'un rang inférieur. L'officier commandant un tel bâtiment de guerre sera muni de Mandats conformes à la formule annexée au présent Traité sub literâ A.

Le dit droit mutuel de visite ne sera pas exercé dans la Mer Méditerranée. De plus, l'espace dans lequel l'exercice du dit droit sera renfermé, aura pour limite, au nord, le 32me degré de latitude septentrionale ; à l'ouest, la côte orientale de l'Amérique, à partir du point où le 32me degré de latitude septentrionale touche cette côte, jusqu'au 45me degré de latitude méridionale ; au sud, le 45me degré de latitude méridionale, à partir du point où ce degré de latitude touche la côte orientale de l'Amérique, jusqu'au 80me degré de longitude orientale du méridien de Greenwich ; et à l'est, ce même degré de longitude, à partir de son point d'intersection avec le 45me degré de latitude méridionale jusqu'à la côte des Indes Orientales.

Article III. Chacune des Hautes Parties Contractantes qui voudra armer des croiseurs pour la suppression de la Traite des Nègres, et exercer le droit mutuel de visite, se réserve de fixer, selon ses propres convenances, le nombre des bâtimens de guerre qui sera employé au service stipulé

dans l'Article II du présent Traité, ainsi que les stations où les dits bâtimens feront leur croisière.

Les noms des bâtimens désignés à cet effet, et ceux de leurs commandans, seront communiqués par chacune des Hautes Parties Contractantes aux autres; et elles se donneront réciproquement avis chaque fois qu'un croiseur sera placé à une station, ou qu'il en sera rappelé, afin que les mandats nécessaires puissent être délivrés par les Gouvernemens qui autorisent la visite, et restitués à ces mêmes Gouvernemens par celui qui les a reçus, lorsque ces mandats ne seront plus nécessaires à l'exécution du présent Traité.

Article IV. Immédiatement après que le Gouvernement qui emploie les croiseurs aura notifié au Gouvernement qui doit autoriser la visite, le nombre et les noms des croiseurs qu'il se propose d'employer, les mandats autorisant la visite seront dressés d'après la formule annexée au présent Traité, sub literâ A, et seront délivrés par le Gouvernement qui autorise la visite à celui qui emploie le croiseur.

Dans aucun cas, le droit mutuel de visite ne pourra être exercé sur les bâtimens de guerre des Hautes Parties Contractantes.

Les Hautes Parties Contractantes conviendront d'un signal spécial, à l'usage exclusif de ceux des croiseurs qui seront investis du droit de visite.

Article V. Les croiseurs des Hautes Parties Contractantes, autorisés à exercer le droit de visite et d'arrestation, en exécution du présent Traité, se conformeront exactement aux Instructions annexées au dit Traité sub literâ B, en tout ce qui se rapporte aux formalités de la visite et de l'arrestation, ainsi qu'aux mesures à prendre pour que les bâtimens soupçonnés d'avoir été employés à la Traite, soient livrés aux Tribunaux compétens.

Les Hautes Parties Contractantes se réservent le droit d'apporter à ces Instructions, d'un commun accord, telles modifications que les circonstances pourraient rendre nécessaires.

Les croiseurs des Hautes Parties Contractantes se prêteront mutuellement assistance dans toutes les circonstances où il pourra être utile qu'ils agissent de concert.

Article VI. Toutes les fois qu'un bâtiment de commerce naviguant sous le pavillon de l'une des Hautes Parties Contractantes, aura été arrêté par un croiseur de l'autre, dûment autorisé à cet effet, conformément aux dispositions du présent Traité, ce bâtiment marchand, ainsi que le capitaine, l'équipage, la cargaison, et les Esclaves qui pourront se trouver à bord, seront conduits dans tel lieu que les Hautes Parties Contractantes auront respectivement désigné à cet effet; et la remise en sera faite aux autorités préposées dans ce but par le Gouvernement dans les possessions duquel ce lieu est situé, afin qu'il soit procédé à leur égard devant les Tribunaux compétens, de la manière ci-après spécifiée.

Lorsque le commandant du croiseur ne croira pas devoir se charger lui-même de la conduite et de la remise du navire arrêté, il confiera ce soin à un officier du rang de lieutenant dans la marine royale ou impériale, ou pour le moins à l'officier qui sera actuellement le troisième en autorité à bord du bâtiment qui aura fait l'arrestation.

Article VII. Si le commandant d'un croiseur de l'une des Hautes Parties Contractantes a lieu de soupçonner qu'un navire marchand naviguant sous le convoi ou en compagnie d'un bâtiment de guerre de l'une des autres Parties Contractantes, s'est livré à la Traite des Nègres, ou a été équipé pour ce trafic, il devra communiquer ses soupçons au commandant du bâtiment de guerre, lequel procédera seul à la visite du navire suspect; et dans le cas où le susdit commandant reconnaîtrait que le soupçon est fondé, il fera conduire le navire, ainsi que le capitaine, l'équipage, la cargaison, et les Esclaves qui pourront se trouver à bord, dans un port appartenant à la nation du bâtiment arrêté, pour qu'il y soit procédé devant les Tribunaux compétens, de la manière ci-après ordonnée.

Article VIII. Dès qu'un bâtiment de commerce, arrêté, et renvoyé pour être jugé, arrivera dans le port où il devra être conduit conformément à l'Annexe B du présent Traité, le commandant du croiseur qui l'aura arrêté, ou l'officier chargé de sa conduite, remettra aux autorités préposées à cet effet, une expédition signée par lui, de tous les inventaires, déclarations, et autres documens spécifiés dans les Instructions jointes au présent Traité, sub literâ B; et les

dites autorités procéderont, en conséquence, à la visite du bâtiment arrêté et de sa cargaison, ainsi qu'à l'inspection de son équipage et des Esclaves qui pourront se trouver à bord, après avoir préalablement donné avis du moment de cette visite et de cette inspection, au commandant du croiseur, ou à l'officier qui aura amené le navire, afin qu'il puisse y assister, ou s'y faire représenter.

Il sera dressé par duplicata, un procès-verbal de ces opérations, lequel devra être signé par les personnes qui y auront procédé ou assisté ; et l'un de ces documens sera délivré au commandant du croiseur, ou à l'officier chargé par lui de la conduite du bâtiment arrêté.

Article IX. Tout bâtiment de commerce de l'une ou l'autre des Cinq Nations, visité et arrêté en vertu des dispositions du présent Traité, sera présumé, à moins de preuve contraire, s'être livré à la Traite des Nègres, ou avoir été équipé pour ce trafic, si dans l'installation, dans l'armement, ou à bord du dit navire durant la traversée pendant laquelle il a été arrêté, il s'est trouvé l'un des objets ci-après spécifiés, savoir :

1°. Des écoutilles en treillis, et non en planches entières commes les portent ordinairement les navires de commerce.

2°. Un plus grand nombre de compartimens dans l'entrepont ou le tillac que ne l'exigent les besoins des bâtimens employés à un commerce licite.

3°. Des planches de réserve préparées pour établir un double pont, ou un pont dit à Esclaves.

4°. Des colliers de fer, des chevilles, ou des menottes.

5°. Une plus grande provision d'eau, en bariques ou en réservoirs, que ne l'exigent les besoins de l'équipage de ce bâtiment marchand.

6°. Une quantité extraordinaire de bariques à eau ou autres vaisseaux propres à contenir des liquides ; à moins que le capitaine ne produise un certificat de la douane du lieu du départ, constatant que les armateurs du dit bâtiment ont donné des garanties suffisantes, que cette quantité extraordinaire de bariques ou de vaisseaux est uniquement destinée à être remplie d'huile de palme, ou employée à un autre commerce licite.

7°. Un plus grand nombre de gamelles ou de bidons

que l'usage de l'équipage de ce bâtiment marchand n'en exige.

8°. Une chaudière ou autre ustensile d'une dimension inusitée pour apprêter les provisions de bouche, et plus grande, ou propre à être rendue plus grande, que ne l'exigent les besoins de l'équipage de ce bâtiment marchand; ou plus d'une chaudière, ou autre appareil de cuisine, de dimension ordinaire.

9°. Une quantité extraordinaire de riz, de farine du manioc du Brésil, ou de cassade, appelée communément "farina," ou de maïs, ou de blé des Indes, ou de toute autre provision de bouche quelconque, au-delà des besoins probables de l'équipage; à moins que cette quantité de riz, de farina, de maïs, de blé des Indes, ou de toute autre provision de bouche, ne soit portée sur le manifeste comme faisant partie du chargement commercial du navire.

10°. Une quantité de nattes, en pièce ou en morceaux, plus considérable que ne l'exigent les besoins de ce bâtiment marchand; à moins que ces nattes ne soient portées sur le manifeste comme faisant partie de la cargaison.

S'il est constaté qu'un ou plusieurs des objets ci-dessus spécifiés se trouvent à bord, ou y ont été durant la traversée pendant laquelle le bâtiment a été capturé, ce fait sera considéré comme une preuve *primâ facie* que le bâtiment était employé à la Traite; en conséquence il sera condamné et déclaré de bonne prise; à moins que le capitaine ou les armateurs ne fournissent des preuves claires et irrécusables, constatant à la satisfaction du Tribunal, qu'au moment de son arrestation ou capture, le navire était employé à une entreprise licite, et que ceux des différens objets ci-dessus dénommés, trouvés à bord lors de l'arrestation, ou qui auraient été placés à bord pendant la traversée qu'il faisait lorsqu'il a été capturé, étaient indispensable pour accomplir l'objet licite de son voyage.

Article X. Il sera procédé immédiatement contre le bâtiment arrêté, ainsi qu'il est dit ci-dessus, son capitaine, son équipage, et sa cargaison, pardevant les Tribunaux compétens du pays auquel il appartient, et ils seront jugés et adjugés suivant les formes établies et les lois en vigueur dans ce pays: et s'il résulte de la procédure, que le dit bâtiment a été employé à la Traite des Nègres, ou équipé

pour ce trafic, le navire, son équipement et sa cargaison de marchandise, seront confisqués; et il sera statué sur le sort du capitaine, de l'équipage, et de leurs complices, conformément aux lois d'après lesquelles ils auront été jugés.

En cas de confiscation, le produit de la vente du susdit bâtiment sera, dans l'espace de six mois, à compter de la date de la vente, mis à la disposition du Gouvernement du pays auquel appartient le bâtiment qui a fait la prise, pour être employé conformément aux lois du pays.

Article XI. Si l'un des objets spécifiés dans l'Article IX du présent Traité est trouvé à bord d'un bâtiment marchand, ou s'il est constaté qu'il y a été durant la traversée pendant laquelle il a été capturé, nulle compensation des pertes, dommages, ou dépenses résultant de l'arrestation de ce bâtiment, ne sera dans aucun cas accordé, soit au capitaine, soit à l'armateur, soit à toute autre personne intéressée dans l'armement ou dans le chargement, alors même qu'une sentence de condamnation n'aurait pas été prononcée contre le bâtiment, en suite de son arrestation.

Article XII. Toutes les fois qu'un bâtiment aura été arrêté conformément au présent Traité, comme ayant été employé à la Traite des Nègres, ou équipé pour ce trafic, et qu'il aura été jugé et confisqué en conséquence, le Gouvernement du croiseur qui aura fait la prise, ou le Gouvernement dont le Tribunal aura condamné le bâtiment, pourra acheter le vaisseau condamné pour le service de sa marine militaire, au prix fixé par une personne capable, choisie à cet effet par le dit Tribunal. Le Gouvernement dont le croiseur aura fait la capture aura un droit de préférence pour l'acquisition du bâtiment. Mais si le vaisseau condamné n'a pas été acheté de la manière ci-dessus indiquée, il sera totalement démoli, immédiatement après la sentence de confiscation, et vendue par parties après avoir été démoli.

Article XIII. Lorsque par la sentence du Tribunal compétent, il aura été reconnu qu'un bâtiment de commerce arrêté en vertu du présent Traité, ne s'est point livré à la Traite des Nègres, et n'a point été équipé pour ce trafic, il sera restitué à l'armateur, ou aux armateurs propriétaires légitimes. Et si dans le cours de la pro-

cédure il venait à être prouvé que le navire a été visité et arrêté illégalement, ou sans motif suffisant de suspicion; ou que la visite et l'arrestation ont été accompagnées d'abus ou de vexations, le commandant du croiseur, ou l'officier qui aura abordé le dit navire, ou celui à qui la conduite en aura été confiée, et sous l'autorité duquel, selon la nature du cas, l'abus ou la vexation aura eu lieu, sera passible de dommages et intérêts envers le capitaine et les propriétaires du bâtiment et de la cargaison.

Ces dommages et intérêts pourront être prononcés par le Tribunal devant lequel aura été instruite la procédure contre le navire arrêté, son capitaine, son équipage, et sa cargaison; et le Gouvernement du pays auquel appartiendra l'officier qui aura donné lieu à cette condamnation, devra payer le montant des dits dommages et intérêts dans le délai de six mois à partir de la date du jugement, lorsque ce jugement aura été rendu par un Tribunal siégeant en Europe; et dans le délai d'une année lorsque la procédure judiciaire aura eu lieu hors de l'Europe.

Article XIV. Lorsque dans la visite ou l'arrestation d'un bâtiment de commerce, opérée en vertu du présent Traité, il aura été commis quelque abus ou vexation, et que le navire n'aura pas été livré à la juridiction de sa nation, le capitaine devra faire, sous serment, la déclaration des abus ou vexations dont il aura à se plaindre, ainsi que des dommages et intérêts auxquels il prétendra; et cette déclaration devra être faite par lui devant les autorités compétentes du premier port de son pays où il arrivera, ou devant l'Agent Consulaire de sa nation, dans un port étranger, si le navire aborde en premier lieu dans un port étranger où il existe un tel agent.

Cette déclaration devra être vérifiée au moyen de l'interrogatoire sous serment, des hommes principaux de l'équipage ou des passagers qui auront été témoins de la visite ou de l'arrestation; et il sera dressé du tout un procès-verbal dont deux expéditions seront remises au capitaine, qui devra en faire parvenir une à son Gouvernement à l'appui de sa demande en dommages et intérêts.

Il est entendu, que si un cas de force majeure empêche le capitaine de faire sa déclaration, celle-ci pourra être faite par le propriétaire du navire, ou par toute autre personne

intéressée dans l'armement ou dans le chargement du navire.

Sur la transmission officielle d'une expédition du procès-verbal ci-dessus mentionné, le Gouvernement du pays auquel appartiendra l'officier à qui des abus ou vexations seront imputés, fera immédiatement procéder à une enquête; et si la validité de la plainte est reconnue, ce Gouvernement fera payer au capitaine ou au propriétaire, ou à toute autre personne intéressée dans l'armement ou chargement du navire molesté, le montant des dommages et intérêts qui lui seront dûs.

Article XV. Les Hautes Parties Contractantes s'engagent à se communiquer réciproquement, sur une demande à cet effet et sans frais, copies des procédures intentées, et des jugemens prononcés, relativement à des bâtimens visités ou arrêtés en exécution des dispositions du présent Traité.

Article XVI. Les Hautes Parties Contractantes conviennent d'assurer la liberté immédiate de tous les Esclaves qui seront trouvés à bord des bâtimens arrêtés et condamnés en vertu des stipulations du présent Traité.

Article XVII. Les Hautes Parties Contractantes conviennent d'inviter les Puissances Maritimes de l'Europe qui n'ont pas encore conclue de Traités pour l'abolition de la Traite des Nègres, à accéder au présent Traité.

Article XVIII. Les Actes ou Instrumens annexés au présent Traité, et qu'il est mutuellement convenu de considérer comme en faisant partie intégrante, sont les suivans:—

A. Formules des Mandats d'autorisation, et d'Ordres pour guider les croiseurs de chaque nation, dans les visites et arrestations à faire en vertu du présent Traité.

B. Instructions pour les croiseurs des forces navales employés en vertu du présent Traité pour la suppression de la Traite des Nègres.

Article XIX. Le présent Traité, consistant en dix-neuf Articles, sera ratifié, et les ratifications en seront échangées à Londres à l'expiration de deux mois, à compter de ce jour, ou plus tôt, si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé

le présent Traité, en texte Anglais et Français, et y ont apposé le sceau de leurs armes.

Fait à Londres, le vingt Décembre, l'an de Grâce mil huit cent quarante et un.

(L.S.) ABERDEEN.
(L.S.) KOLLER.
(L.S.) STE. AULAIRE.
(L.S.) SCHLEINITZ.
(L.S.) BRUNNOW.

ANNEXE A *au Traité entre la Grande Bretagne, l'Autriche, la France, la Prusse, et la Russie, pour la Suppression de la Traite des Nègres d'Afrique, signé à Londres, le* 20 *Décembre,* 1841.

Ière Formule. Mandats, en vertu desquels un croiseur d'une des Hautes Parties Contractantes pourra visiter et arrêter un navire de commerce appartenant à une autre des Hautes Parties Contractantes, ou naviguant sous son pavillon, et soupçonné de se livrer à la Traite des Nègres, ou d'être équipé pour ce Trafic.

Le Traité conclu entre la Grande Bretagne, l'Autriche, la France, la Prusse, et la Russie, signé à Londres, le vingt Décembre, 1841, *pour la suppression totale de la Traite des Nègres d'Afrique, ayant stipulé que des croiseurs appartenant à l'une ou l'autre des dites Puissances seraient autorisés à visiter et à arrêter dans l'étendue de limites déterminées, les navires de commerce des Hautes Parties Contractantes se livrant à la Traite des Nègres, ou soupçonnés d'être équipés pour ce Trafic: et le Gouvernement*
ayant jugé convenable d'employer à ce service le bâtiment que vous commandez, et de vous munir d'Instructions spéciales pour vous servir de règles dans le dit service: vous êtes, en vertu de ces Instructions, et du présent Mandat, autorisé à visiter dans les limites indiquées dans l'Article II du dit Traité, les navires de commerce sous pavillon
soupçonnés de se livrer à la Traite des Nègres, et à agir à

l'égard des navires qui se seront livrés à la Traite des Nègres, ou qui seront soupçonnés d'être équipés pour ce Trafic, selon qu'il est prescrit dans le dit Traité, et dans les Instructions qui y sont annexées.

Donné à

le

Au Commandant de

IIme. Formule. Ordres pour guider le commandant d'un croiseur d'une des Hautes Parties Contractantes en ce qui regarde la visite et l'arrestation d'un navire de commerce appartenant à une autre des Hautes Parties Contractantes, ou naviguant sous son pavillon.

Le Traité conclu entre la Grande Bretagne, l'Autriche, la France, la Prusse, et la Russie, signé à Londres, le vingt Décembre, 1841, *pour la suppression totale de la Traite des Nègres d'Afrique, ayant stipulé que des croiseurs appartenant à l'une ou l'autre des dites Puissances seront autorisés par les Instructions spéciales y mentionnées, à visiter et à arrêter dans l'étendue de limites fixes, les navires de commerce des autres Parties Contractantes se livrant à la Traite des Nègres, ou soupçonnés d'être équipés pour ce Trafic: et le Gouvernement ayant jugé convenable d'employer à ce service le bâtiment que vous commandez, et de vous munir des dites Instructions spéciales, nous vous envoyons ci-joint copie du dit Traité du* 20 *Décembre, et des Instructions y annexées, ci-dessus mentionnées; conséquemment, et en vertu du présent Ordre et du Mandat ci-joint du Gouvernement de vous êtes autorisé à visiter dans les limites indiquées dans l'Article II du dit Traité, les navires de commerce naviguant sous pavillon soupçonnés de se livrer à la Traite des Nègres, et à agir à l'égard de ceux de ces navires qui se seront livrés à cette Traite, ou qui seront soupçonnés d'être équipés pour ce Trafic, ainsi qu'il est indiqué dans le dit Traité, le dit Mandat, et les dites Instructions; et nous vous chargeons et requérons de vous conformer très-strictement à toutes les dispositions et stipulations y contenues, ayant soin d'exercer l'autorité dont vous êtes investi, de la manière la plus douce, et avec tous*

les égards que se doivent des nations alliées et amies; et de coopérer cordialement avec les commandans de tout bâtiment de guerre employé au méme service.

Donné à
le
Au Commandant de

Les présentes formules de Mandats et d'Ordres seront annexées au Traité signé aujourd'hui entre la Grande Bretagne, l'Autriche, la France, la Prusse, et la Russie, pour la suppression de la Traite des Nègres d'Afrique, et seront considérées comme faisant partie intégrante de ce Traité.

En foi de quoi les Plénipotentiaires des Hautes Parties Contractantes ont signé cette Annexe, et y ont apposé le sceau de leurs armes.

Fait à Londres, le vingt Décembre, l'an de Grâce mil huit cent quarante et un.

(L.S.) ABERDEEN.
(L.S.) KOLLER.
(L.S.) STE. AULAIRE.
(L.S.) SCHLEINITZ.
(L.S.) BRUNNOW.

ANNEX B *au Traité entre la Grande Bretagne, l'Autriche, la France, la Prusse, et la Russie, pour la suppression de la Traite des Nègres d'Afrique, signé à Londres, le* 20 *Décembre,* 1841.

Instructions pour les Croiseurs.

1°. Toutes les fois qu'un navire de commerce appartenant à l'une des Hautes Parties Contractantes, ou naviguant sous son pavillon, sera visité par un croiseur de l'une des autres Hautes Parties Contractantes, l'officier commandant le croiseur, avant de procéder à la visite, exhibera au capitaine de ce navire les Ordres Spéciaux qui lui confèrent le droit exceptionnel de le visiter; et il remettra au

dit capitaine un certificat, signé de lui, indiquant son rang dans la marine militaire de son pays, ainsi que le nom du bâtiment qu'il commande, et attestant que le seul but de sa visite est de s'assurer si le navire se livre à la Traite des Nègres, ou s'il est équipé pour ce trafic, ou s'il a été employé à cette Traite durant la traversée pendant laquelle il a été rencontré par le dit croiseur. Lorsque la visite est faite par un officier du croiseur autre qui celui qui le commande, cet officier devra avoir le grade de lieutenant dans la marine militaire, ou au moins être actuellement le second en rang à bord du navire qui fait la visite; dans ce cas, le dit officier exhibera au capitaine du navire marchand une copie des Ordres Spéciaux dont il est fait mention ci-dessus, signée par le commandant du croiseur, et remettra en outre une déclaration signée par lui-même, indiquant le rang qu'il occupe dans la marine militaire de son pays, le nom du commandant sous les ordres duquel il agit, le nom du croiseur auquel il appartient, et le but de la visite, ainsi qu'il est dit ci-dessus.

Si cette visite constate que les papiers de bord du navire sont en règle, et ses opérations licites, l'officier inscrira sur le journal de bord, que la visite a eu lieu en vertu des Ordres Spéciaux dont il est fait mention ci-dessus: et lorsque ces formalités auront été accomplies, le navire sera libre de continuer sa route.

2°. Si d'après le résultat de la visite, l'officier commandant le croiseur juge qu'il y a motifs suffisans de supposer que le navire se livre à la Traite des Nègres, ou qu'il a été équipé pour ce trafic ou qu'il s'était livré à ce trafic durant la traversée pendant laquelle il a été rencontré par le croiseur, et s'il se décide, en conséquence, à l'arrêter, et à le faire soumettre au jugement de l'autorité compétente, il fera dresser sur-le-champ, par duplicata, l'inventaire de tous les papiers trouvés à bord, et signera cet inventaire en double, ajoutant à son nom son rang dans la marine militaire, ainsi que le nom du bâtiment qu'il commande.

Il dressera et signera de la même manière, par duplicata, un procès-verbal constatant l'époque et le lieu de l'arrestation, le nom du navire, celui de son capitaine, et ceux des hommes de son équipage, ainsi que le nombre et l'état des Esclaves trouvés à bord.

Ce procès-verbal devra en outre contenir une description exacte de l'état du navire et de sa cargaison.

3°. Le commandant du croiseur conduira ou enverra sans délai le navire arrêté, ainsi que son capitaine, son équipage, ses passagers, sa cargaison, et les Esclaves trouvés à son bord, à l'un des ports ci-après spécifiés, pour qu'il soit procédé à leur égard, conformément aux lois du pays dont le navire porte le pavillon ; et il en fera la remise aux autorités compétentes ou aux personnes qui auront été spécialement préposées à cet effet par le Gouvernement à qui appartiendra le dit port.

4°. Nul individu ne devra être distrait du bord du navire arrêté ; et il ne sera enlevé non plus aucune partie de sa cargaison, ou des Esclaves trouvés à son bord, jusqu'à ce que le dit navire ait été remis aux autorités de sa propre nation ; excepté dans le cas où la translation de la totalité ou d'une partie de l'équipage, ou des Esclaves trouvés à bord, serait jugée nécessaire, soit pour conserver leur vie, ou par toute autre considération d'humanité, soit pour la sûreté de ceux qui seront chargés de la conduite du navire après son arrestation. Dans un tel cas, le commandant du croiseur, ou l'officier chargé de la conduite du bâtiment arrêté, dressera de la dite translation un procès-verbal, dans lequel il en énoncera les motifs ; et les capitaine, matelots, passagers, ou Esclaves, ainsi transbordés, seront conduits dans le même port que le navire et sa cargaison ; et leur réception aura lieu de la même manière que celle du navire, conformément aux dispositions ci-après énoncées.

Il est entendu qu'aucune des stipulations du paragraphe ci-dessus ne sera applicable aux Esclaves trouvés à bord de navires Autrichiens, Prussiens, ou Russes ; il sera disposé de ces Esclaves conformément aux dispositions contenues dans les paragraphes suivans.

5°. Tous les navires Autrichiens qui seront arrêtés aux stations d'Amérique ou d'Afrique par les croiseurs des autres Parties Contractantes, seront conduits et remis à la juridiction Autrichienne à Trieste.

Mais si des Esclaves sont trouvés à bord d'un tel navire Autrichien au moment de son arrestation, le navire sera envoyé d'abord pour déposer les Esclaves dans le port où il aurait été conduit pour être jugé, s'il avait navigué

sous pavillon Anglais ou Français; le navire sera ensuite envoyé et remis à la juridiction Autrichienne à Trieste, ainsi qu'il a été stipulé ci-dessus.

Tous les navires Français qui seront arrêtés sur la côte occidentale d'Afrique par les croiseurs des autres Parties Contractantes, seront conduits et remis à la juridiction Française à Gorée.

Tous les navires Français qui seront arrêtés sur la côte orientale d'Afrique par les croiseurs des autres Parties Contractantes, seront conduits et remis à la juridiction Française à l'Ile de Bourbon.

Tous les navires Français qui seront arrêtés sur la côte d'Amérique, au sud du 10me degré de latitude septentrionale, par les croiseurs des autres Parties Contractantes, seront conduits et remis à la juridiction Française à Cayenne.

Tous les navires Français qui seront arrêtés ou dans les Indes Occidentales, ou sur la côte d'Amérique au nord du 10me degré de latitude septentrionale, par les croiseurs des autres Parties Contractantes, seront conduits et remis à la juridiction Française à La Martinique.

Tous les navires Britanniques qui seront arrêtés sur la côte occidentale d'Afrique par les croiseurs des autres Parties Contractantes, seront conduits et remis à la juridiction Britannique à Bathurst sur la Rivière de Gambie.

Tous les navires Britanniques qui seront arrêtés sur la côte orientale d'Afrique par les croiseurs des autres Parties Contractantes, seront conduits et remis à la juridiction Britannique au Cap de Bonne Espérance.

Tous les navires Britanniques qui seront arrêtés sur la côte d'Amérique par les croiseurs des autres Parties Contractantes, seront conduits et remis à la Juridiction Britannique, ou à la Colonie de Demerarie, ou au Port Royal dans La Jamaïque, selon que le commandant du croiseur le jugera plus convenable.

Tous les navires Britanniques qui seront arrêtés dans les Indes Occidentales par les croiseurs des autres Parties Contractantes, seront conduits et remis à la juridiction Britannique au Port Royal dans La Jamaïque.

Tous les navires Prussiens qui seront arrêtés aux stations d'Afrique ou d'Amérique par les croiseurs des autres

ont eu, à bord, font, ou ont fait, partie de leur cargaison comme objet de commerce licite.

Par conséquent, afin de ne pas entraver un commerce licite, il est expressément enjoint aux croiseurs d'appliquer les dispositions contenues dans le § 3 de l'Article IX, seulement aux cas où il se trouverait à bord du bâtiment visité des planches de réserve évidemment destinées pour la formation d'un pont dit à Esclaves.

Les Plénipotentiaires soussignés, conformément à l'Article XVIII du Traité de ce jour, sont convenus que les Instructions ci-dessus seront annexées au Traité signé aujourd'hui entre la Grande Bretagne, l'Autriche, la France, la Prusse, et la Russie, pour la suppression de la Traite des Nègres d'Afrique, et qu'elles seront considérées comme faisant parte intégrante du dit Traité.

En foi de quoi les Plénipotentiaires des Hautes Parties Contractantes ont signé cette Annexe, et y ont apposé le sceau de leurs armes.

Fait à Londres, le vingt Décembre, l'an de Grâce mil huit cent quarante et un.

(L S.) ABERDEEN.
(L.S.) KOLLER.
(L.S.) STE. AULAIRE.
(L.S.) SCHLEINITZ.
(L.S.) BRUNNOW.

BOLIVIA.

TREATY *between Her Majesty and the Republic of Bolivia, for the abolition of the Traffic in Slaves.—Signed at Sucre, September*, 25, 1840.

[Ratifications exchanged Oct. 8, 1842.]

In the name of the Most Holy Trinity.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Bolivia, being mutually animated by a sincere desire to co-operate for the utter extinction of the barbarous Traffic in Slaves, have resolved to proceed to the conclusion of a treaty, for

the special purpose of immediately attaining this object, and have respectively named for this purpose as their Plenipotentiaries, to wit:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Belford Hinton Wilson, Esquire, and Chargé d'Affaires of Her Britannic Majesty at Lima;

And the Republic of Bolivia, the Citizen José Maria Linares, Minister of State for the Departments of the Home and Foreign Affairs;

Who, having duly communicated to each other their respective full powers, and found them to be in proper form, have agreed upon and concluded the following Articles:

ARTICLE I. The Slave Trade having been constitutionally abolished throughout the territories of the Republic of Bolivia, is hereby declared to be, henceforward, totally prohibited to all the citizens of the said Republic, in all parts of the world.

Article II. The Republic of Bolivia hereby specially engages, that two months after the exchange of the ratifications of the present Treaty, if the ordinary Congress shall be assembled at that time, or two months after the subsequent meeting of Congress, it will promulgate throughout its territories a penal law, inflicting the punishment attached to piracy on all those citizens of Bolivia who shall, under any pretext whatsoever, take any part whatever in the Traffic in Slaves; and from time to time afterwards, as it may become needful, it will take the most effectual measures for preventing the citizens of the Republic from being concerned, and the flag of the Republic from being used, in carrying on, in any way, the Trade in Slaves.

Article III. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Bolivia, hereby mutually engage, that, by an Additional Convention to the present Treaty, hereafter to be concluded between the said High Contracting Parties to the present Treaty, they will concert and settle the details of the measures, by which the law of piracy, which will become applicable to that traffic by the legislation of each of the two countries, shall be immediately and reciprocally

carried into execution with respect to the vessels and subjects or citizens of each.

Article IV. In order more completely to carry into effect the spirit of the present Treaty, the two High Contracting Parties mutually consent, that those ships of their navies respectively, which shall be provided with special Instructions for that purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations, as may be suspected, upon reasonable grounds, of being engaged in the Traffic in Slaves, or of having been fitted out for the purposes thereof, or of having, during the voyage in which they are met by the said cruizers, been engaged in the Traffic in Slaves, contrary to the provisions of this Treaty; and the two High Contracting Parties likewise consent that such cruizers may detain and send or carry away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

Article V. In order to regulate the mode of carrying the provisions of the preceding Article into execution, it is agreed:

1°. That all ships of the navies of the two nations, which shall be hereafter employed to prevent the Traffic in Slaves, shall be furnished by their respective Governments with a copy, in the English and Spanish languages, of the present Treaty; of the Instructions for cruizers, annexed thereto *sub literâ* A; and of the Regulations for the Mixed Courts of Justice, annexed thereto *sub literâ* B; which Annexes shall be considered as an integral part of the Treaty.

2°. That each of the High Contracting Parties shall from time to time communicate to the other, the names of the several ships furnished with such Instructions, the force of each ship, and the names of their several commanders.

3°. That if at any time there shall be just cause to suspect that any merchant vessel, sailing under the flag of either nation, and proceeding under the convoy of any ship or ships of war of either of the Contracting Parties, is engaged, or is intended to be engaged, in the Traffic in Slaves, or is fitted out for the purposes thereof, or has, during the voyage on which she may be met with, been

engaged in the Traffic in Slaves; it shall be lawful for the commander of any ship of the navy of either of the two High Contracting Parties, furnished with such Instructions as aforesaid, to visit such merchant vessel; and such commander shall proceed to visit the same, in communication with the commanding officer of the convoy, who, it is hereby agreed, shall give every facility to the visit, and to the eventual detention, if necessary, of such merchant vessel; and in all things shall assist, to the utmost of his power, in the due execution of the present Treaty, according to the true intent and meaning thereof.

4°. It is further mutually agreed, that the commanders of the ships of the two navies, respectively, who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid Instructions.

Article VI. As the two preceding Articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects or citizens may incur, by the arbitrary and illegal detention of their vessels; it being understood that this indemnity shall invariably be borne by the Government, whose cruizer shall have been guilty of such arbitrary and illegal detention; and that the visit and detention of such vessels, specified in the IVth Article of this Treaty, shall only be effected by those British or Bolivian ships which may form part of the navies, (royal and national,) respectively, of the two High Contracting Parties to the Treaty; and by such ships only of those navies, as shall be provided with the special Instructions annexed to the present Treaty, in pursuance of the provisions thereof.

The compensation for damages, of which this Article treats, shall be made within the term of one year, reckoned from the day on which the Mixed Courts of Justice pronounce sentence on the vessel, for the detention of which such compensation is claimed.

Article VII. In order to bring to adjudication, with as little delay and inconvenience as possible, the vessels which may be detained according to the tenor of the IVth Article of this Treaty, there shall be established, within the space of a year at furthest from the exchange of the ratifications of the present Treaty, two Mixed Courts of Justice, formed

of an equal number of individuals of the two nations, named for this purpose by the Governments of the two High Contracting Parties respectively.

These Courts shall reside, one in a possession belonging to Her Britannic Majesty, the other within the territories of the Republic of Bolivia; and the two Governments, at the period of the exchange of the ratifications of the present Treaty, shall declare, each for its own territories, in what places the Courts shall respectively reside; each of the two High Contracting Parties reserving to itself the right of changing at its pleasure the place of residence of the Court held within its own territories; provided, however, that one of the two Courts shall always be held upon the coast of Africa, and the other in one of the possessions of the Republic of Bolivia.

These Courts shall judge the causes submitted to them, according to the provisions of the present Treaty, without appeal; and according to the Regulations and Instructions which are annexed to the present Treaty, and which are considered as forming an integral part thereof.

Article VIII. If the commanding officer of any of the ships of the navies of Great Britain and of the Republic of Bolivia, respectively, duly commissioned according to the provisions of the IVth Article of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the Instructions annexed to it; the Government which shall conceive itself to be wronged thereby, shall be entitled to demand reparation; and, in such case, the Government to which such commanding officer may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may have committed.

Article IX. It is hereby further mutually agreed, that every merchant vessel, British or Bolivian, which shall be visited by virtue of the present Treaty, may lawfully be detained and be sent or brought before the Mixed Courts of Justice, established in pursuance of the provisions thereof, if in her equipment there shall be found any of the things hereinafter mentioned, namely:—

1. Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

2. Divisions or bulkheads in the hold or on deck, in a greater number than are necessary for vessels engaged in lawful trade.

3. Spare plank, fitted for being laid down as a second, or slave-deck.

4. Shackles, bolts, or handcuffs.

5. A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of the vessel, as a merchant vessel.

6. An extraordinary number of water casks, or of other vessels for holding liquid, unless the master shall produce a certificate from the custom-house at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such merchant vessel, that such extra quantity of casks or of other vessels, should only be used for the reception of palm-oil, or for other purposes of lawful commerce.

7. A greater quantity of mess-tubs or kids than are requisite for the use of the crew of the vessel, as a merchant vessel.

8. A boiler of an unusual size, and larger, or fitted for being made larger, than requisite for the use of the crew of the vessel, as a merchant vessel; or more than one boiler of the ordinary size.

9. An extraordinary quantity either of rice; of the flour of Brazil, manioc, or cassada, commonly called farinha; of maize; of Indian corn; or of any other article of food whatever, beyond what might probably be requisite for the use of the crew; such rice, flour, maize, Indian corn, or other article of food, not being entered on the manifest as part of the cargo for trade.

10. A quantity of mats or matting, greater than is necessary for the use of the crew of the vessel, as a merchant vessel.

Any one or more of these several things, if proved, shall be considered as *primâ facie* evidence of the actual employment of the vessel in the Slave Trade; and the vessel shall thereupon be condemned, and be declared lawful prize, unless clear and incontestible evidence, on the part of the master or owners, shall establish to the satisfaction of the Court, that such vessel was, at the time

of her detention or capture, employed in some legal pursuit, and that such of the several things above enumerated, as were found on board her at the time of her detention, or had been put on board on the voyage on which the vessel when captured was proceeding, were needed for legal purposes on that particular voyage.

Article X. If any of the things specified in the preceding Article shall be found in any merchant vessel, no compensation for losses, damages, or expenses consequent upon the detention of such vessel, shall, in any case, be granted either to her master, or to her owner, or to any other person interested in her equipment or lading, even though the Mixed Court of Justice should not pronounce any sentence of condemnation in consequence of her detention.

Article XI. It is hereby agreed between the two High Contracting Parties, that in all cases in which a vessel shall be detained under this Treaty, by their respective cruizers, as having been engaged in the Slave Trade, or as having been fitted out for the purposes thereof, and shall, consequently, be adjudged and condemned by the Mixed Courts of Justice to be established as aforesaid, the said vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

Article XII. The Negroes who are found on board of a vessel detained by a cruizer, and condemned by the Mixed Courts of Justice, in conformity with the stipulations of this Treaty, shall be placed at the disposition of the Government whose cruizer has made the capture, on the distinct understanding that they shall be immediately set at liberty and kept free; the Government to which they have been delivered guaranteeing the same; and likewise engaging to afford from time to time, and whenever demanded by the other High Contracting Party, the fullest information as to the state and condition of such Negroes, with a view of insuring the due execution of the Treaty in this respect.

For this purpose the Regulations annexed to this Treaty, *sub literâ* C, as to the treatment of Negroes liberated by sentence of the Mixed Courts of Justice, have

been drawn up, and are declared to form an integral part of this Treaty. The two High Contracting Parties reserve to themselves the right to alter or suspend, by common consent and mutual agreement, but not otherwise, the terms and tenor of such Regulations.

Article XIII. The Acts or Instruments annexed to this Treaty, and which it is mutually agreed shall form an integral part thereof, are as follows:

A. Instructions for the ships of the navies of both nations, destined to prevent the Traffic in Slaves.

B. Regulations for the Mixed Courts of Justice, which are to hold their sittings on the coast of Africa, and in one of the possessions of the Republic of Bolivia.

C. Regulations as to the treatment of liberated Negroes.

Article XIV. The present Treaty, consisting of fourteen Articles, shall be ratified, and the ratifications thereof exchanged, at London as soon as possible within the space of twenty months from this date.

In witness whereof the respective Plenipotentiaries have signed in triplicate originals, English and Spanish, the present Treaty, and have thereunto affixed the seal of their arms.

Done at Sucre, the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and forty.

(L.S.) Belford Hinton Wilson.
(L.S.) Jose M^{A}. Linares.

Annex A, *to the Treaty between Great Britain and the Republic of Bolivia, for the abolition of the Slave Trade of the Republic of Bolivia.*

Instructions for the ships of the British and Bolivian navies, employed to prevent the Traffic in Slaves.

Article I. The commander of any ship belonging to the navy of Her Britannic Majesty or of the Republic of Bolivia, which shall be furnished with these Instructions,

shall have a right to visit, search, and detain, any British or Bolivian merchant vessel which shall be actually engaged, or which shall be suspected to be engaged, in the Slave Trade, or to be fitted out for the purposes thereof, or to have been engaged in the Traffic in Slaves during the voyage in which she may be met with by such ship of the British or Bolivian navy; and such commander shall thereupon bring or send such merchant vessel, as soon as possible, for judgment before that one of the two Mixed Courts of Justice, established in virtue of the VIIth Article of the said Treaty, which shall be the nearest to the place of detention, or which such commander shall, upon his own responsibility, think can be soonest reached from such place.

Article II. Whenever a ship of either of the said navies, duly authorized as aforesaid, shall meet a merchantman liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of lieutenant in the navy of Great Britain, or of the Republic of Bolivia respectively, (unless the command shall, by reason of death, or otherwise, be held by an officer of inferior rank,) or by the officer who, at the time, shall be second in command of the ship by which such search is made.

Article III. The commander of any ship of the two navies duly authorized as aforesaid, who may detain any merchant vessel in pursuance of the tenour of the present Instructions, shall leave on board the vessel so detained, the master, the mate, or boatswain, and two or three, at least, of the crew thereof; the whole of the Slaves, if any; and all the cargo.

The captor shall, at the time of detention, draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained vessel; such declaration to be signed by himself, and to be given in or sent, together with the captured vessel, to the Mixed Court of Justice, before which such vessel shall be carried or sent for adjudication.

He shall deliver to the master of the detained vessel a certified list of the papers seized on board the same, as well as of the number of Slaves found on board at the moment of detention.

In the authenticated declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, he shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have taken place, and the number of Slaves found on board the vessel at the time of the detention.

The officer in charge of the vessel detained shall, at the time of his bringing the vessel's papers in to the Mixed Court of Justice, deliver in to the Court a paper, signed by himself and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the Slaves, (if any) and her cargo, between the period of her detention and the time of delivering in such paper.

Article IV. The Slaves shall not be disembarked, till after the vessel which contains them shall have arrived at the place of adjudication, in order that, in the event of the vessel not being adjudged legal prize, the loss of the proprietors may be more easily repaired; and even after the Slaves have arrived at such place, they are not to be landed without the permission of the Mixed Court of Justice.

But if urgent reasons, deduced from the length of the voyage, from the state of health of the Slaves, or from other causes, should require that either the whole or a portion of the Negroes should be disembarked before the vessel can arrive at the place at which one of the said Courts is established, the commander of the capturing ship may take upon himself the responsibility of so disembarking the Negroes, provided that such necessity, and the causes thereof, be stated in a certificate in proper form, and that this certificate be entered at the time on the log-book of the detained vessel.

The undersigned Plenipotentiaries have agreed, in conformity with the XIIIth Article of the Treaty signed by them on this day, the twenty-fifth of September, of one

thousand eight hundred and forty, that the preceding Instructions, consisting of four Articles, shall be annexed to the said Treaty, and be considered as an integral part thereof.

The twenty-fifth day of September, of one thousand eight hundred and forty.

(L.S.) BELFORD HINTON WILSON.
(L.S.) JOSE M^A. LINARES.

ANNEX B, *to the Treaty between Great Britain and the Republic of Bolivia, for the abolition of the Slave Trade of the Republic of Bolivia.*

Regulations for the Mixed Courts of Justice which are to reside on the coast of Africa, and in the possessions of the Republic of Bolivia.

ARTICLE I. The Mixed Courts of Justice to be established under the provisions of the Treaty, of which these Regulations are declared to be an integral part, shall be composed in the following manner.

Each of the two High Contracting Parties shall name a judge and an arbitrator, who shall be authorized to hear, and to decide without appeal, all cases of the capture or detention of vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them. The judges and the arbitrators shall, before entering upon the duties of their office, respectively make oath before the principal magistrate of the places in which such Courts respectively shall reside, that they will judge fairly and faithfully; that they will have no preference, either for the claimants or the captors; and that they will act in all their decisions, in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such Courts a secretary or registrar, who shall be appointed by the Government of the country within the territories of which such Court shall reside.

Such secretary or registrar shall register all the acts of such Court, and shall, before he enters upon his office,

make oath before the Court to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the secretary or registrar of the Court to be established on the coast of Africa, shall be paid by Her Britannic Majesty; and that of the secretary or registrar of the Court to be established in the possessions of the Republic of Bolivia, shall be paid by the Government of the Republic of Bolivia.

Each of the Governments shall defray half of the aggregate amount of the incidental expenses of such Courts.

Article II. The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, Slaves, and cargo, and with the execution of the sentence; and all disbursements occasioned by bringing a vessel to adjudication; shall, in case of condemnation, be defrayed from the funds arising from the sale of the materials of the broken-up vessel, of the ship's stores, and of such parts of the cargo as shall consist of merchandize; and in case the proceeds arising from this sale should not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country, within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor, excepting in the cases specified, and otherwise provided for, under Article X of the Treaty to which these Regulations form an Annex, and under Article VII of these Regulations.

Article III. The Mixed Courts of Justice are to decide upon the legality of the detention of such vessels, as the cruizers of either nation shall, in pursuance of the said Treaty, detain.

These Courts shall judge definitively and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these Courts shall take place with as little delay as possible; and for this purpose, the Courts are required to decide each case, as far as may be practicable, within the space of twenty days, to be dated from

the day on which the detained vessel shall have been brought into the port where the deciding Court shall reside.

The final sentence shall not, in any case, be delayed beyond the period of two months, either on account of the absence of witnesses, or for any other cause; except upon the application of any of the parties interested, in which case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay, the Courts may, at their discretion, grant an additional delay, not exceeding four months. Either party shall be allowed to employ such counsel as he may think fit, to assist him in the conduct of his cause.

All the essential parts of the proceedings of the said Courts shall be written down in the language of the country in which the Courts shall respectively reside.

Article IV. The form of the process shall be as follows:

The judges appointed by the two nations respectively, shall, in the first place, proceed to examine the papers of the detained vessel, and to take the depositions of the master or commander, and of two or three, at least, of the principal individuals on board such vessel; as well as the declaration, on oath, of the captor, should such declaration appear necessary to enable them to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid Treaty; so that, according to the judgment pronounced, the vessel may be condemned or released.

In the event of the two judges not agreeing as to the sentence which they ought to pronounce in any case brought before them, either with respect to the legality of the detention, the liability of the vessel to condemnation, or the compensation to be allowed, or as to any other question which may arise out of the said capture; or if any difference of opinion should arise between them as to the mode of proceeding in the said Court, they shall draw by lot the name of one of the two arbitrators appointed as aforesaid, which arbitrator, after having considered the proceedings which have taken place, shall consult with the two above-mentioned judges, and the final sentence or decision shall

be pronounced conformably to the opinion of the majority of the three.

Article V. If the detained vessel shall be restored by the sentence of the Court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same Court, claim to have a valuation made in order to ascertain the amount of the damages to which he shall be entitled. The captor himself, and in his default, his Government, shall remain responsible for the damages which may definitively be pronounced to be due to the master of such vessel, or to the owners of the vessel, or of her cargo.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the above-named Court; it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject or citizen.

Article VI. If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be, with the exception of the Slaves who shall have been brought on board for the purposes of commerce; and the said vessel, in conformity with the regulations in Article XI of the Treaty of this date, shall, as well as her cargo, be sold by public sale, for the profit of the two Governments, subject to the payment of the expenses hereinbefore mentioned.

The Slaves shall receive from the Court a certificate of emancipation; and shall be delivered over to the Government to whom belongs the cruizer which made the capture; to be dealt with according to the regulations and conditions contained in the Annex to this Treaty, *sub literâ* C.

The charges incurred for the support and for the return voyage of the commanders and crews of condemned vessels, shall be defrayed by the Government of which such commanders and crews are the subjects or citizens.

Article VII. The Mixed Courts of Justice shall also take cognizance of, and shall decide definitively and with-

out appeal, all claims for compensation on account of losses occasioned to vessels and cargoes detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed, (save as mentioned in Article X of the Treaty to which these Regulations form an Annex, and in a subsequent part of these Regulations,) the Court shall award to the claimant or claimants, or to his or their lawful attorney or attornies, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention, that is to say:—

1. In case of total loss, the claimant or claimants shall be indemnified;—

A. For the ship, her tackle, equipment, and stores.

B. For all freights due and payable.

C. For the value of the cargo of merchandize, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.

D. For all other regular charges in such case of total loss.

2. In all other cases not of total loss, save as hereinafter mentioned, the claimant or claimants shall be indemnified;—

A. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable.

B. For demurrage, according to the schedule annexed to the present Article.

C. For any deterioration of the cargo.

D. For all premium of insurance on additional risks.

Further, the claimant or claimants shall be entitled to interest, at the rate of five per cent. per annum, on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs; the whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be paid at the rate of exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the judges of the two nations, and without recourse to the decision of an arbitrator, that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel in that case shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present Article, nor any other compensation for losses, damages, or expenses, consequent upon such detention.

Schedule of demurrage or daily allowance for a vessel of

100	tons to	120	inclusive	£5	Per diem.
121	. .	150	. .	6	
151	. .	170	. .	8	
171	. .	200	. .	10	
201	. .	220	. .	11	
221	. .	250	. .	12	
251	. .	270	. .	14	
271	. .	300	. .	15	

and so in proportion.

Article VIII. Neither the judges, nor the arbitrators, nor the secretaries of the Mixed Courts of Justice, shall demand or receive from any of the parties concerned in the cases which shall be brought before such Courts, any emolument or gift, under any pretext whatsoever, for the performance of the duties which such judges, arbitrators, and secretaries, have to perform.

Article IX. The two High Contracting Parties have agreed that, in the event of the death, sickness, absence on leave, or other legal impediment, of one or more of the judges or arbitrators composing the above-mentioned Courts respectively, the post of such judge or of such arbitrator shall be supplied, *ad interim*, in the following manner:—

1. On the part of Her Britannic Majesty, and in that Court which shall sit within the possessions of Her said Majesty,—if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or if the vacancy be originally that of the British arbitrator, the place of such arbitrator shall be filled, suc-

cessively, by the governor or lieutenant-governor resident in such possession; by the principal magistrate of the same; and by the secretary of the Government: and the said Court, so constituted as above, shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

2. On the part of Great Britain, and in that Court which shall sit within the possessions of the Republic of Bolivia,—if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either, in that case, or if the vacancy be originally that of the British arbitrator, the place of British arbitrator shall be filled, successively, by the British Consul and British Vice-Consul, if there be a British Consul or British Vice-Consul appointed to, and resident in, such possession; and if the vacancy be both of the British judge and of the British arbitrator, then the vacancy of the British judge shall be filled by the British Consul, and that of the British arbitrator by the British Vice-Consul, if there be a British Consul and a British Vice-Consul appointed to, and resident in, such possession; and if there shall be no British Consul or British Vice-Consul to fill the place of British arbitrator, then the Bolivian arbitrator shall be called in, in those cases in which a British arbitrator, if there were any, would be called in; and in case the vacancy be both of the British judge and British arbitrator, and there be neither British Consul nor British Vice-Consul to fill, *ad interim*, the vacancies,—then the Bolivian judge and Bolivian arbitrator shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

3. On the part of the Republic of Bolivia, and in that Court which shall sit within the territories of the said Republic,—if the vacancy be that of the Bolivian judge, his place shall be filled by the Bolivian arbitrator; and either in that case, or if the vacancy be originally that of the Bolivian arbitrator, the place of such arbitrator shall be filled, successively, by the highest civil authority resident in such possession; by the principal magistrate of the same; and by the secretary of the highest civil authority: and the said Court, so constituted as above, shall sit, and

in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

4. On the part of the Republic of Bolivia, and in that Court which shall sit within the possessions of Her Britannic Majesty,—if the vacancy be that of the Bolivian judge, his place shall be filled by the Bolivian arbitrator; and either in that case, or if the vacancy be originally that of the Bolivian arbitrator, the place of arbitrator shall be filled, successively, by the Bolivian Consul and Bolivian Vice-Consul, if there be a Bolivian Consul or Vice-Consul appointed to, and resident in, such possession; and if the vacancy be both of the Bolivian judge and of the Bolivian arbitrator, then the vacancy of the Bolivian judge shall be filled by the Bolivian Consul, and that of the Bolivian arbitrator by the Bolivian Vice-Consul, if there be a Bolivian Consul and a Bolivian Vice-Consul appointed to, and resident in, such possession; and in the case in which there be no Bolivian Consul or Vice-Consul to fill the place of Bolivian arbitrator, then the British arbitrator shall be called, in those cases in which a Bolivian arbitrator would be called in; and in case the vacancy be both of the Bolivian judge and Bolivian arbitrator, and there be neither Bolivian Consul nor Bolivian Vice-Consul to fill, *ad interim*, the vacancies,—then the British judge and British arbitrator shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

The highest civil authority of the settlement wherein either of the Mixed Courts of Justice shall sit, shall, in the event of a vacancy arising either of the judge or the arbitrator of the other High Contracting Party, forthwith give notice of the same to the highest civil authority of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period; and each of the High Contracting Parties agrees to supply definitively, as soon as possible, the vacancies which may arise in the above-mentioned Courts from death, or from any other cause whatever.

The undersigned Plenipotentiaries have agreed, in

conformity with the XIIIth Article of the Treaty signed by them on this day, the twenty-fifth of September, of one thousand eight hundred and forty, that the preceding Regulations, consisting of nine Articles, shall be annexed to the said Treaty, and considered as an integral part thereof.

The twenty-fifth day of September, of one thousand eight hundred and forty.

(L.S.) BELFORD HINTON WILSON.
(L.S.) JOSE M^A. LINARES.

ANNEX C. *Regulations for the good treatment of liberated Negroes.*

ARTICLE I. The object and spirit of these Regulations is to secure to Negroes liberated by virtue of the stipulations of the Treaty to which these Regulations form an Annex, (marked C.,) permanent good treatment, and full and complete freedom, in conformity with the humane intentions of the High Contracting Parties.

Article II. Immediately after sentence of condemnation shall have been passed by a Mixed Court of Justice established under the Treaty to which these Regulations form an Annex, on a vessel charged with being concerned in illegal Slave Trade, all Negroes who were on board such vessel, and who were brought on board for the purpose of traffic, shall be delivered over to the Government to whom belongs the cruizer which made the capture.

Article III. If the cruizer which made the capture is British, the British Government engages that the Negroes shall be treated in exact conformity with the laws in force in the British colonies for the regulation of free, or of emancipated Negroes.

Article IV. If the cruizer which made the capture is Bolivian, then the Negroes shall be delivered over to the Bolivian authorities of that place in the dominions of the Republic of Bolivia, in which the Mixed Court of Justice is established; and the Bolivian Government solemnly engages that such Negroes shall there be treated strictly according to the regulations actually in force in the Re-

public of Bolivia, with respect to free Negroes, or according to such regulations as may in future be established in the Republic of Bolivia in this respect; and which regulations shall always have in view, the humane object of securing honestly and faithfully to emancipated Negroes, the unmolested enjoyment of their liberty, good treatment, a knowledge of the tenets of the Christian religion, advancement in morality and civilization, and sufficient instruction in the mechanical arts; in order that the said emancipated Negroes may be enabled to earn their own subsistence, whether as artisans, mechanics, or servants.

Article V. For the purpose which is explained in Article VI, there shall be kept in the office of the principal civil authority of the part of the possessions of the Republic of Bolivia, where the Mixed Court of Justice resides, a register of all emancipated Negroes; in which shall be entered, with scrupulous exactness, the names given to the Negroes, the names of the vessels in which they were captured, the names of the persons to whose care they have been committed, and any other circumstances likely to contribute to the end in view.

Article VI. The register to which the preceding Article refers, will serve to form a general return, which the highest civil authority of that part of the possessions of the Republic of Bolivia, where the Mixed Court of Justice resides, shall be bound to deliver every six months to the aforesaid Mixed Commission, in order to show the existence of the Negroes emancipated under this Treaty, the improvement made in their condition, and the progress made in their religious and moral instruction, and in the arts of life. The aforesaid return shall also specify the names and descriptions of such of the emancipated Negroes as shall have died during the period for which the return is made up.

Article VII. The High Contracting Parties agree that if in future it should appear necessary to adopt new measures, in consequence of those laid down in this Annex turning out inefficacious, the said High Contracting Parties will consult together, and will agree upon other means better adapted for the complete attainment of the objects proposed.

Article VIII. The undersigned Plenipotentiaries have agreed, in conformity with the XIIIth Article of the Treaty signed by them on this day, the twenty-fifth of September, of one thousand eight hundred and forty, that this Annex, consisting of eight Articles, shall be united to the said Treaty, and be considered an integral part thereof.

The twenty-fifth day of September, of one thousand eight hundred and forty.

(L.S.) Belford Hinton Wilson.
(L.S.) Jose M^A. Linares.

Articles Additional to the Treaty concluded this twenty-fifth day of September, of one thousand eight hundred and forty, between Her Britannic Majesty and the Republic of Bolivia, for the suppression of the Slave Trade.

Article I. It is agreed and understood, that if there should be any delay in appointing the judge and the arbitrator, to be nominated on the part of the Republic of Bolivia, to act in each of the Mixed Courts of Justice to be established under this Treaty, or if those officers, after being appointed, should at any time be absent, then, and in either of such cases, the judge and arbitrator appointed on the part of Her Britannic Majesty, and present in the said Courts, shall, in the absence of the Bolivian judge and arbitrator, proceed to open the said Courts, and to adjudge such cases as may be brought before them under the Treaty; and the sentence pronounced upon such cases by the said British judge and arbitrator, shall have the same force and validity as if the judge and the arbitrator on the part of Bolivia had been appointed, and had been present and acting in the Mixed Courts, in the cases in question.

Article II. It is also agreed, notwithstanding the provisions of the first Article of the Annex B, that so long as no Bolivian judge and arbitrator is nominated, it will be unnecessary for the Republic of Bolivia to nominate the secretary or actuary, mentioned in the said Article; that in the meanwhile, the secretary or actuary of the Court which may exist within the territory of the Republic of Bolivia, shall be named and paid by the Government of

Her Britannic Majesty; and that the entire expense of both the Courts to be established under this Treaty, shall be borne by the Government of Her Britannic Majesty.

Article III. If in the drawing up of this Treaty in the Spanish language, any involuntary error has been made in the translation, the English text is to be adhered to.

The present Additional Articles shall form an integral part of the Treaty for the suppression of Slave Trade, signed this day, and shall have the same force and validity as if they were inserted, word for word, in that Treaty; and shall be ratified, and the ratifications shall be exchanged at the same time.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Sucre, the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and forty.

(L.S.) Belford Hinton Wilson.
(L.S.) Jose M^A^. Linares.

En el Nombre de la Santisima Trinidad.

La Republica de Bolivia, y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Yrlanda, hallandose mutuamente animados de un sincero deseo de cooperar á la completa extincion del barbaro Trafico de Esclavos, han resuelto proceder al ajuste de un Tratado con la mira especial de obtenir inmediatamente este objeto; y al efecto han nombrado respectivamente por sus Plenipotenciarios, á saber:

La Republica de Bolivia, al Ciudadano José Maria Linares, Ministro de Estado del Despacho del Interior y Relaciones Exteriores;

Y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Yrlanda, á Belford Hinton Wilson, Escudero, y Encargado de Negocios de Su Majestad Britanica residente en Lima;

Quienes, habiendose comunicado mutuamente sus respectivos plenos poderes, y halladolos en buena y debida forma, han acordado y concluido los Artículos siguientes:

Articulo I. Estando abolido por la constitucion el Trafico de Esclavos en todos los territorios de la Republica de Bolivia, se declara formalmente de ahora para siempre, que el comercio de Esclavos es totalmente prohibido á todos los ciudadanos de Bolivia, en todas las partes del mundo.

Artículo II. La Republica de Bolivia se obliga especialmente á promulgar en el territorio de esta, dos meses despues del canje de las ratificaciones, si el Congreso ordinario estuviere entonces reunido, ó dos meses despues de la subsiguiente reunion ordinaria del Congreso, una ley que imponga la pena de pirateria á todo ciudadano Boliviano que tome parte alguna, bajo cualquier color ó pretexto, en el Comercio de Esclavos; y se obliga á si misma á adoptar de tiempo en tiempo, segun la necesidad le requiera, las mas eficaces medidas para impedir que los ciudadanos de la Republica se interesen, ó su pabellon se emplee, de modo alguno en el expresado comercio.

Artículo III. La Republica de Bolivia, y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Yrlanda, se obligan mutuamente á concertar y establecer, por medio de una Convencion que se añadirá al presente Tratado, y mas adelante se ajustará entre las dichas Altas Partes Contratantes, los pormenores de las medidas conducentes á que la ley de pirateria, que se hará entonces aplicable á dicho trafico segun la legislacion de cada uno de los dos paises, sea inmediatamente y reciprocamente puesta en ejecucion, con respecto á los buques y á los ciudadanos ó subditos de cada uno.

Artículo IV. Y con el fin de llevar mas cumplidamente á efecto el espiritu del presente Tratado, las dos Altas Partes Contratantes se convienen en que los buques de sus respectivas armadas, ó los que fueron provistos de Instrucciones especiales para este objeto, segun se expresará mas adelante, podrán visitar las embarcaciones mercantes de las dos naciones, que con racionales fundamentos induzcan sospecha de que se ocupan en el Trafico de Esclavos, ó de que han sido equipados con este intento, ó de que, durante el viaje en que se encuentran con los mencionados cruzeros,

se han empleado en el Trafico de Esclavos, contraviniendo á lo que en el presente Tratado se estipula; y convienen tambien ambas Partes Contratantes, en que los referidos cruzeros podrán detener dichas embarcaciones, y enviarlas ó conducirlas para ser juzgadas del modo que mas abajo se dispone.

Artículo V. Para arreglar el modo de llevar á efecto las provisiones del Articulo precedente, queda convenido:

1°. Que á todos los buques de las armadas de las dos naciones que se empleasen en impedir el Trafico de Esclavos, se les dará por sus respectivos Gobiernos, en lengua Española é Inglesa, una copia del presente Tratado, de las Instrucciones para los cruzeros á el anexas, y señaladas con la letra A; y de los Reglamentos que han de servir de guia á los Tribunales Mixtos de Justicia, y que tambien se agregan bajo la letra B; debiendo ambos documentos considerarse como parte integrante del Tratado.

2°. Que las dos Altas Partes Contratantes comunicarán de tiempo en tiempo, la una á la otra, los nombres de los varios buques provistos con las Instrucciones susodichas, la fuerza de cada buque, y los nombres de sus respectivos comandantes.

3°. Que siempre que hubiere fundado motivo de sospechar que alguna embarcacion mercante de los que llevan la bandera, y navegan bajo la escolta ó convoy de un buque ó buques de guerra de cualquiera de las Partes Contratantes, se ocupa, ó tiene intencion de ocuparse, en el Trafico de Esclavos, ó está equipada al efecto, ó durante el viaje en que se la encontrare, se ha ocupado en dicho trafico; será licito al comandante de cualquier buque de la armada de una ú otra de las dos Partes Contratantes, estando provisto de las sobredichas Instrucciones, visitar la embarcacion mercante; y el referido comandante procederá á ejecutarlo, entendiendose con el comandante del convoy, el cual (como aqui se estipula expresamente) facilitará esta visita, y la detencion eventual si hubiere lugar á ella, de la sobredicha embarcacion mercante, y auxiliará en todo cuanto le fuere posible, la puntual ejecucion del presente Tratado, segun su verdadero sentido y espiritu.

4°. Tambien queda mutuamente concertado, que los comandantes de los respectivos buques de guerra de ambas

Potencias que se emplearen en este servicio, se atendrán estrictamente al exacto tenor de las referidas Instrucciones.

Artículo VI. Como los dos Articulos que preceden son enteramente reciprocos, las dos Altas Partes Contratantes se obligan mutuamente á abonar las perdidas que sus respectivos ciudadanos ó subditos experimenten por la arbitraria é ilegal detencion de sus embarcaciones; en la inteligencia de que la indemnizacion será invariablemente satisfecha por el Gobierno cuyo cruzero haya incurrido en dicha arbitraria é ilegal detencion; y que la visita y detencion de embarcaciones, de que se hace mencion en el Artículo IV° de este Tratado, solo podrán efectuarse por los buques Bolivianos é Ingleses que formen parte de las respectivas armadas, real y nacional, de las dos Partes Contratantes, y que ademas se hallen provistos de las Instrucciones especiales anexas á este Tratado, con arreglo á lo que en el se estipula.

La indemnizacion de perjuicios de que trata este Artículo, se hará en el termino de uno año, contado desde el dia en que el Tribunal Mixto pronunciare sentencia sobre la embarcacion de cuya captura se reclame la indemnizacion.

Artículo VII. Para proceder con el menor retardo y perjuicio posible á la adjudicacion de las embarcaciones que sean detenidas con arreglo al tenor del Artículo IV° de este Tratado, se establecerán, en el espacio de un año, á mas tardar, contado desde el canje de las ratificaciones del presente Tratado, dos Tribunales Mixtos de Justicia, formados de un numero igual de individuos de las dos naciones, nombrados á este fin por los respectivos Gobiernos de las dos Altas Partes Contratantes.

Estos Tribunales residirán, el uno en el territorio de la Republica de Bolivia, y el otro en una posesion perteneciente á Sa Majestad Britanica; y los dos Gobiernos, al tiempo del canje de las ratificaciones del presente Tratado, declararán, cada uno para su propio territorio, en que paraje de sus respectivos territorios han de residir estos Tribunales; bien entendido que cada una de las dos Altas Partes Contratantes se reserva el derecho de variar á su arbitrio el lugar de la residencia del Tribunal que esté en ejercicio en su territorio; pero con la precisa condicion de

ue uno de los dos Tribunales residirá en algun punto de
s posesiones de la Republica de Bolivia, y el otro siempre
n la costa de Africa.

Estos Tribunales juzgarán las causas que se les sometan,
on arreglo á las estipulaciones del presente Tratado; y sus
ntencias serán sin apelacion, y de conformidad con los
eglamentos é Instrucciones anexas á el, que se consi-
eran como parte integrante del mismo.

Artículo VIII. Si el oficial comandante de cualquiera
e los buques de las respectivas armadas Boliviana y Bri-
nica, comisionado en debida forma segun lo que en el
rtículo IV° de este Tratado se ha provisto, se desviare en
lguna manera de las estipulaciones del mismo, ó de las
nstrucciones á el anexas, el Gobierno que por ello se
zgue agraviado, tendrá derecho á pedir una reparacion;
en tal caso, el Gobierno á que dicho oficial comandante
ertenezca, se obliga á mandar hacer indagacion del hecho
ue motive la queja, y á imponer al mencionado oficial una
ena proporcionada á la transgresion que de intento hubiere
ometido.

Artículo IX. Queda ademas mutuamente convenido,
ue toda embarcacion mercante Boliviana ó Britanica, que
ea visitada en virtud del presente Tratado, pueda ser
galmente detenida, y enviada ó conducida ante los Tribu-
ales Mixtos de Justicia, establecidos con arreglo á lo que
n el se ha provisto, siempre que en su equipo se encu-
ntren algunos de los enseres siguientes:—

1. Escotillas con redes abiertas, en lugar de las esco-
llas cerradas que se usan en las embarcaciones mercantes.

2. Separaciones ó divisiones en la bodega ó sobre
ubierta, en mayor numero que el necesario para los
uques destinados á un trafico legal.

3. Tablones de repuesto, preparados para formar una
egunda cubierta, ó entrepuente de Esclavos.

4. Cadenas, grillos, ó manillas.

5. Una cantidad de agua, en vasijas ó cubas, mayor
ue la necesaria para el consumo de la tripulacion de la
ave, en su calidad de nave mercante.

6. Un numero extraordinario de barriles, ó de otra
lase de vasijeria para contener liquidos, á menos que el
apitan exhiba un certificado de la Aduana del paraje de su

procedencia, en que conste haberse dado por los propietarios de dicha embarcacion mercante, suficientes seguridades de que esta superabundante cantidad de barriles ó de vasijas se emplearia tan solamente en el transporte de aceite de palma, ó de otros objetos de licito comercio.

7. Una cantidad de calderas ó vasijas de rancho, mayor de la que se requiere para el uso de la tripulacion de la nave, en su calidad de nave mercante.

8. Una caldera de un tamaño extraordinario; y cuya magnitud sea, ó pueda por su construccion hacerse, mayor de lo que se requiere para el uso de la tripulacion de la nave, como nave mercante; ó mas de una caldera de tamaño ordinario.

9. Una cantidad extraordinaria de arroz, ó de harina del Brazil, manioco, ó casave, vulgarmente llamado fariña; de maiz, ó de cualquier otro comestible, de manera que exceda á la que probablemente seria necesaria para el uso de la tripulacion; siempre que dicho arroz, harina, ó maiz, ú otro comestible, no se designen en el manifiesto como parte del cargamento en que se comercia.

10. Una cantidad de petates ó esteras, mayor que la necesaria para el uso de la tripulacion de la nave, como nave mercante.

Verificandose alguna ó algunas de estas cosas, se considerarán como pruebas *primâ facie* de que la embarcacion se ocupa actualmente en el Comercio de Esclavos; y la embarcacion en esta virtud sera condenada, y declarada buena presa, á menos que el capitan ó los dueños del buque prueben de un modo claro é incontestable, á satisfaccion del Tribunal, que dicho buque, al tiempo de su detencion ó captura, se hallaba empleado en alguna especulacion legal, y que aquellos de los artículos arriba enumerados que se hubiesen encontrado en ella al tiempo de la detencion, ó que hubiesen sido puestos á su bordo en el viaje que dicha embarcacion hacia cuando fué detenida, se necesitaban para objetos legales en aquel particular viaje.

Artículo X. Si alguna de las cosas especificadas en el Artículo anterior se hallare á bordo de alguna embarcacion mercante, ni el capitan, ni el propietario, ni otro persona alguna interesada en el equipo ó cargamento de la embar-

cacion, tendrá derecho á reclamar indemnizacion de daños, perjuicios, y gastos, aun cuando el Tribunal Mixto no haya pronunciado sentencia de condenacion consiguiente á su detencion.

Artículo XI. Las dos Altas Partes Contratantes han convenido en que, siempre que en virtud de este Tratado se detenga un buque por sus respectivos cruzeros, bien por haberse empleado en el Trafico de Esclavos, ó bien por hallarse equipado para dicho objeto, y en consecuencia sea juzgado y condenado por los Tribunales Mixtos de Justicia que han de establecerse segun lo arriba dicho, el tal buque será hecho pedazos inmediatamente despues de condenado; y se procederá á su venta por trozos separados, despues de haber sido asi hecho pedazos.

Artículo XII. Los Negros que se encontraren á bordo de una embarcacion detenida por un cruzero, y condenada por uno de los Tribunales Mixtos de Justicia, de conformidad con las estipulaciones del presente Tratado, se pondrán á disposicion del Gobierno cuyo cruzero haya hecho la presa, en la expresa inteligencia de que serán inmediatamente restituidos á la libertad, y mantenidos en el goze de ella; comprometiendose á ello el Gobierno á quien se entregasen, y obligandose ademas á exhibir de tiempo en tiempo, y siempre que asi lo requiera la otra Alta Parte Contratante, la mas cabal noticia del estado y condicion de dichos Negros, á fin de asegurar la debida observancia del Tratado en este respecto.

Con el propio fin se ha extendido el Reglamento anexo á este Tratado bajo la letra C, concerniente al trato de los Negros emancipados por sentencia de los Tribunales Mixtos de Justicia, y se declara que dicho Reglamento forma parte integrante de este Tratado; reservandose las dos Altas Partes Contratantes el derecho de alterar y suspender de comun acuerdo y mutuo consentimiento, pero no de otro modo, los terminos y tenor del referido Reglamento.

Artículo XIII. Los Actos ó Instrumentos anexos al presente Tratado, y que, segun se ha convenido, deberán formar parte integrante de él, son los siguientes:

A. Instrucciones para los buques de las armadas de ambas naciones, destinados á impedir el Trafico de Esclavos.

B. Reglamento para los Tribunales Mixtos de Justicia que han de celebrar sus sesiones en el territorio de la Republica de Bolivia, y en la costa de Africa.

C. Reglamento sobre el modo de tratar á los Negros emancipados.

Artículo XIV. El presente Tratado, que consta de catorce Artículos, será ratificado, y sus ratificaciones canjeadas en Londres lo mas pronto posible dentro del termino de veinte meses, contados desde el dia de la fecha.

En testimonio de lo cual los respectivos Plenipotenciarios han firmado por triplicado ejemplares del presente Tratado, en Español y en Ingles, y los han sellado con sus armas.

Hecho en Sucre, á los veinticinco dias del mes de Setiembre, del año de nuestro Señor de mil ochocientos cuarenta.

(L.S.) Jose Mª. Linares.
(L.S.) Belford Hinton Wilson.

Adicional A, *al Tratado entre la Republica de Bolivia y la Gran Bretaña, para la abolicion del Trafico de Esclavos de la Republica de Bolivia.*

Instrucciones para los buques de las armadas Boliviana y Britanica, destinados á impedir el Trafico de Esclavos.

Articulo I. El comandante de cualquier buque de guerra perteneciente á la armada Boliviana ó Britanica, que se halle provisto de estas Instrucciones, tendrá derecho de visitar, registrar, y detener cualquier embarcacion mercante Boliviana ó Britanica que actualmente estuviere empleada en el Comercio de Esclavos, ó que induzca sospecha de estarlo, ó de haberse equipado al efecto, ó de haberse empleado en dicho Trafico durante el viaje en que la encontrare el referido buque de guerra de la armada Boliviana ó Britanica; y el sobredicho comandante conducirá en consecuencia ó enviará la embarcacion mercante, lo mas pronto posible, para que sea juzgada, ante uno de los Tribunales Mixtos de Justicia establecidos en vertud del

Artículo VII de este Tratado, prefiriendose el tribunal que estuviere mas cerca del paraje de la detencion, ó al que dicho comandante crea, bajo su propia responsabilidad, que puede arribarse mas pronto desde el mismo paraje.

Artículo II. Siempre que el comandante de un buque de cualquiera de las dichas armadas, debidamente autorizado del modo que arriba se expresa, encontrare una embarcacion mercante que se hallare en el caso de ser visitada en vertud de las estipulaciones del dicho Tratado, se verificará el registro con la mayor moderacion, y con todos los miramientos que deben observarse entre naciones aliadas y amigas; ejecutandolo en todos casos un oficial de no menor graduacion que la de teniente de la respectiva armada Boliviana ó Britanica (á menos que por muerte ó por otro motivo haya recaido el mando en otro oficial de inferior grado) ó por el oficial que á la sazon sea segundo comandante del buque que haga el registro.

Artículo III. El comandante de cualquier buque de una ú otra de las dos armadas, debidamente autorizado segun lo arriba dicho, que detuviere una embarcacion mercante con arreglo al tenor de las presentes Instrucciones, dejará abordo de la embarcacion asi detenida al capitan, al piloto ó contramaestre, y á dos ó tres, á lo menos, de su tripulacion; todos los Esclavos, si algunos hubiere; y toda la carga.

El aprehensor, al tiempo de la detencion, extenderá por escrito una declaracion autentica, en la que se manifieste el estado en que se encontró la embarcacion detenida, firmando el mismo la declaracion, y entregandola ó enviandola, junto con la embarcacion detenida, al Tribunal Mixto de Justicia á que la dicha embarcacion fuere conducida ó enviada por adjudicacion.

El aprehensor entregará ademas al capitan de la embarcacion detenida, una lista certificada bajo su firma, de los papeles tomados á bordo, y del numero de Esclavos que se hubiese encontrado en ella al momento de la detencion.

En la declaracion autentica que el aprehensor queda por el presente Artículo obligado á hacer, é igualmente en la lista certificada de los papeles tomados, se expresarán su propio nombre y apellido, el nombre del buque aprehensor,

la latitud y longitud del paraje en que se hubiere efectuado la detencion, y el numero de Esclavos que se hubiere hallado abordo de la embarcacion mercante al tiempo de la detencion.

El oficial encargado de conducir la embarcacion detenida, entregará al Tribunal Mixto de Justicia, al tiempo de presentarle los papeles de aquella, un documento bajo su firma, en el que exprese con juramento las variaciones que hayan ocurrido respecto á la embarcacion, á su tripulacion, á los Esclavos (si los hubiere) y á su cargamento, en el tiempo trascurrido desde su detencion hasta la entrega de dicho documento.

Artículo IV. Los Esclavos no se desembarcarán hasta tanto que la embarcacion que los conduzca haya llegado al lugar donde va á ser juzgada, á fin de que, si sucediere que la embarcacion no fuere declarada buena presa, puede resarcirse mas facilmente la perdida de los propietarios; y aun despues de la llegada de los Esclavos á dicho lugar, no serán estos desembarcados sin que preceda al efecto la licencia del Tribunal Mixto de Justicia.

Pero si motivos urgentes, originados de lo largo del viaje, ó del estado de salud de los Esclavos, ó de otras causas, exijieren que todos los Negros, ó parte de ellos, se desembarquen antes de que la embarcacion llegue al lugar de la residencia de uno de los referidos Tribunales, el comandante del buque aprehensor podrá tomar sobre si la responsabilidad de este desembarco, con tal que la necesidad y causas de ello se expresen en un certificado en debida forma, y que este certificado se extienda, llegado que sea el caso, en el libro de navegacion de la embarcacion detenida.

Los infrascritos Plenipotenciarios han convenido, en conformidad con el Artículo XIII del Tratado firmado por ellos el dia de hoy veinticinco de Setiembre, de mil ochocientos cuarenta, que las presentes Instrucciones, compuestas de cuatro Artículos, correrán anexas á dicho Tratado, y serán consideradas como parte integrante de el.

Hoy veinticinco de Setiembre, de mil ochocientos cuarenta.

(L.S.) Jose Ma. Linares.
(L.S.) Belford Hinton Wilson.

ADICIONAL B, *al Tratado entre la Republica de Bolivia y la Gran Bretaña, para la abolicion del Trafico de Esclavos de la Republica de Bolivia.*

Reglamento para los Tribunales Mixtos de Justicia que han de residir en el territorio de la Republica de Bolivia, y en la costa de Africa.

ARTICULO I. Los Tribunales Mixtos de Justicia que se han de establecer en virtud de las estipulaciones del Tratado de que este Reglamento se declara ser parte integrante, se compondrán de la manera siguiente.

Cada una de las dos Altas Partes Contratantes nombrará un juez y un arbitro autorizados para examinar y sentenciar, sin apelacion, todos los casos de captura ó detencion de embarcaciones que, con arreglo á las estipulaciones del sobredicho Tratado, sean conducidas ante ellos. Estos jueces y arbitros, antes de entrar en el ejercicio de sus funciones, se obligarán por juramento, que prestarán ante el magistrado superior del lugar en donde los respectivos Tribunales residan, á juzgar leal y fielmente; á no mostrar parcialidad en favor de los aprehendidos ni de los aprehensores; y á observar en todas sus sentencias, las estipulaciones del sobredicho Tratado.

A cada uno de los Tribunales Mixtos se agregará un secretario ó actuario, nombrado por el Gobierno del pais en cuyo territorio dicho Tribunal residiere.

Este secretario ó actuario extenderá los procedimientos del Tribunal, y antes de entrar en el ejercicio de sus funciones, prestará juramento ante el Tribunal á que se le destine, de conducirse con el debido respeto á la autoridad del mismo Tribunal, y de obrar fiel é imparcialmente en todo cuanto concierna á su cargo.

El sueldo del secretario ó actuario que se establezca en el territorio Boliviano, será pagado por la Republica de Bolivia; y el del secretario ó actuario del Tribunal que se establezca en la costa de Africa, será pagado por Su Magestad Britanica.

Cada uno de los dos Gobiernos satisfará la mitad del importe total de los gastos de los expresados Tribunales Mixtos.

Artículo II. Los gastos hechos por el oficial encargado de recibir, mantener, y cuidar la embarcacion detenida, sus esclavos y cargamento, y de la ejecucion de la sentencia; y todos los desembolsos que se hiciesen para conducir una embarcacion á ser juzgada; serán satisfechos, en el caso de ser condenada, de los fondos producidos por la venta de los materiales de la embarcacion hecha pedazos; de los enseres de la embarcacion: y de la parte de su cargamento que consista en mercancías. Si los productos de esta venta no fueren suficientes para satisfacer los mencionados gastos, se abonará el deficit por el Gobierno del pais en cuyo territorio se haya adjudicado la embarcacion.

Y dado caso que la embarcacion detenida fuere absuelta, los gastos que haya ocasionado su conduccion ante el Tribunal respectivo se satisfarán por los aprehensores, salvo en los casos en que se ha dispuesto otra cosa, especificados en el Artículo X del Trátado de que este Reglamento forma parte, y en el Artículo VII de este mismo Reglamento.

Artículo III. Los Tribunales Mixtos de Justicia decidirán de la legalidad de la detencion de las embarcaciones que los cruzeros de una ú otra nacion aprehendan, en cumplimiento del sobredicho Tratado.

Estos Tribunales juzgarán definitivamente y sin apelacion, todas las cuestiones á que den lugar la captura y detencion de las embarcaciones.

Los procedimientos judiciales de estos Tribunales se efectuarán con la menor demora que fuere posible; y con este fin, se les encarga que, en cuanto sea practicable, decidan cada caso en el termino de veinte dias, contados desde el de la entrada de la embarcacion aprehendida en el puerto donde residiere el Tribunal que debe juzgarla.

En ningun caso tardará la sentencia definitiva mas de dos meses, ya sea por ausencia de testigos, ó por otra causa cualquiera, salvo cuando alguna ó algunas de las partes interesadas lo soliciten; en cuyo caso, presentandose por la dicha parte ó partes interesadas las competentes fianzas de tomar sobre si los gastos y riesgos de la dilacion, los Tribunales podrán conceder, á su arbitrio, una neuva demora que no pase de cuatro meses. Cada parte tendrá la facultad de emplear para que la dirija en los tramites de la causa, á los letrados que guste.

Todas las actuaciones ó procedimientos esenciales de los mencionados Tribunales, se extenderán por escrito en la lengua del pais donde resida el Tribunal respectivo.

Artículo IV. El modo enjuiciar será como sigue:

Los jueces nombrados respectivamente por cada una de las dos naciones, procedrán ante todas cosas á examinar los papeles de la embarcacion aprehendida, y á tomar las declaraciones del capitan ó comandante, y de dos ó tres, al menos, de los principales individuos que se hubieren hallado á bordo de ella; y si lo creyesen necesario, tomarán tambien declaracion jurada al aprehensor, para que tengan los medios de juzgar y fallar si dicha embarcacion ha sido justa ó injustamente aprehendida, con arreglo á las estipulaciones del Tratado susodicho; de manera que la embarcacion sea condenada ó absuelta en virtud de este juicio.

Si sucediere que los dos jueces no estén acordes á cerca de la sentencia que deben pronunciar en el caso sometido á su deliberacion, ya sea en cuanto á la legalidad de la detencion, ya en cuanto á si la embarcacion está en el caso de ser condenada, ya sobre la indemnizacion que haya de darsele, ó sobre cualquiera otra cuestion que emane de la susodicha captura; ó si se suscitase entre ellos divergencia de opiniones á cerca del modo de proceder del Tribunal; sacarán á la suerte el nombre de uno de los dos arbitros establecidos como arriba se expresa; y este arbitro, despues de examinados los procedimientos que se hayan verificado, conferenciará sobre el caso con los dos sobredichos jueces, y la sentencia ó fallo definitivo se pronunciará con arreglo al dictamen de la mayoria de los tres.

Artículo V. Si la embarcacion detenida fuere restituida por sentencia del Tribunal, ella y su cargamento, en el estado en que entonces se encuentren, se entregarán en el acto al capitan, ó á la persona que le represente; y dicho capitan, ó la persona que haga sus veces, podrá reclamar ante el mismo Tribunal la valuacion de los perjuicios cuyo resarcimiento tenga derecho de pedir. El aprehensor, y á falta de este, su Gobierno, quedará responsable al pago de los perjuicios á que hayan sido definitivamente declarados acreedores el capitan de la embarcacion, ó los propietarios de la misma ó de su carga.

Las dos Altas Partes Contratantes se obligan á satisfacer, dentro del termino de un año, contado desde la fecha de la sentencia, las costas y perjuicios cuya compensacion haya sido concedida por el susodicho Tribunal; quedando mutuamente entendido y convenido, que estas costas y perjuicios serán abonados por el Gobierno del pais de que el aprehensor sea ciudadano ó subdito.

Artículo VI. Si la embarcacion aprehendida fuere condenada, será declarada buena presa, junto con su cargamento, de cualquier naturaleza que este sea, á excepcion de los Esclavos que hayan sido conducidos á su bordo con el objeto de traficar con ellos; y dicha embarcacion, de conformidad con las reglas del Articulo XI del Tratado de esta fecha, será vendida, igualmente que su cargamento, en publica subhasta, á beneficio de ambos Gobiernos, despues de satisfechos los gastos que arriba se expresan.

Los Esclavos recibirán del Tribunal un certificado de emancipacion, y serán entregados al Gobierno á quien pertenece el cruzero que ha hecho la presa, para que se les trate conforme al reglamento y condiciones contenidas en el Adicional C. de este Tratado.

Los gastos que se ocasionen por la manutencion y viaje de retorno de los comandantes y tripulaciones de las embarcaciones condenadas, serán costeados por el Gobierno de que dichos comandantes y tripulaciones sean ciudadanos ó subditos.

Artículo VII. Los Tribunales Mixtos de Justicia examinarán tambien, y juzgarán definitivamente y sin apelacion, todas las demandas que se les hagan por compensacion de perdidas ocasionadas á las embarcaciones y cargas detenidas con arreglo á las estipulaciones de este Tratado, pero que no hayan sido condenadas como presas legales por dichos Tribunales; y en todos los casos en que se decrete la restitucion de dichas embarcaciones y cargas (salvo en los mencionados en el Artículo X del Tratado á que este Reglamento corre anexo, y en una parte subsiguiente de este mismo Reglamento) el Tribunal concederá al reclamante ó reclamantes, ó á su apoderado ó apoderados legalmente constituidos, una justa y completa indemnizacion por todas las costas del proceso, y por todas las perdidas y perjuicios que el propietario ó propietarios hayan experi-

mentado en consecuencia de dicha captura y detencion, á saber :—

1. En caso de perdida total, el reclamante ó reclamantes serán indemnizados ;—

A. Por el buque, sus aparejos, equipo, y provisiones.

B. Por todos los fletes debidos y pagaderos.

C. Por el valor del cargamento de mercancias, si algunas habia; deduciendo todos los gastos y costas pagaderos sobre la venta de dicho cargamento, inclusa la comision de venta.

D. Por todos las demas cargas regulares en dicho caso de perdida total.

2. En todos los demas casos que no fueren de perdida total, salvo los que abajo se mencionan, el reclamante ó reclamantes serán indemnizados ;—

A. Por todos los perjuicios y gastos especiales que experimentare el buque por su detencion, y por la perdida de los fletes debidos y pagaderos.

B. Por estadias, segun la tarifa anexa al presente Artículo.

C. Por cualquiera deterioro del cargamento.

D. Por todo premio de seguros sobre riesgos adicionales.

Ademas el reclamante ó reclamantes tendrán derecho al interes de un cinco por ciento anual sobre la suma concedida, hasta que dicha suma sea pagada por el Gobierno á que pertenezca el buque apresador; y el importe total de todas estas indemnizaciones se calculará en moneda del pais á que pertenezca la embarcacion apresado, y se pagará segun el cambio corriente al tiempo de hacerse la concesion.

Sin embargo, las dos Altas Partes Contratantes han acordado, que si se prueba á satisfaccion de los jueces de ambas naciones, y sin recurrir á la decision de un arbitro, que el aprehensor ha sido inducido á error por culpa del capitan ó comandante de la embarcacion detenida, no tendrá esta en tal caso derecho á cobrar, por el tiempo de su detencion, las estadias estipuladas en el presente Artículo, ni otra alguna compensacion por perdidas, daños, ó gastos consiguientes á su detencion.

Tarifa de estadias ó sea abono diario, para una embarcacion, desde

				Libras Esterlinas.	
100	toneladas á	120	inclusive	£5	Por dia.
121	. .	150	. .	6	
151	. .	170	. .	8	
171	. .	200	. .	10	
201	. .	220	. .	11	
221	. .	250	. .	12	
251	. .	270	. .	14	
271	. .	300	. .	15	

y asi proporcionalmente.

Artículo VIII. Ni los jueces, ni los arbitros, ni los secretarios de los Tribunales Mixtos de Justicia, pedirán ni recibirán de ninguna de las partes interesadas en los casos que se juzgaren por dichos Tribunales, emolumento ó dadiva alguna, bajo cualquier pretexto que sea, por el cumplimiento de los deberes que á dichos jueces, arbitros, y secretarios incumben.

Artículo IX. Las dos Altas Partes Contratantes han acordado que en caso de muerte, enfermedad, ausencia con licencia temporal, ó cualquiera otro impedimento legal de uno ó mas de los jueces ó arbitros que formen los sobredichos Tribunales, la vacante del mencionado juez ó arbitro se llenará interinamente del modo que sigue:—

1. Por parte de la Republica de Bolivia, y en el Tribunal que actue en el territorio de la dicha Republica,—si la vacante fuere la del juez Boliviano, se llenará su puesto por el arbitro Boliviano; y en este caso, ó en el de que la vacante fuere originariamente la del arbitro Boliviano, será este reemplazado sucesivamente por la mas alta autoridad civil residente en la expresada posesion; por el magistrado principal de la misma; y por el secretario de la mas alta autoridad civil: y el Tribunal asi constituido entrará en el ejercicio de sus funciones, y procederá en consecuencia á juzgar todos los casos que se le presenten, y á pronunciar sentencia sobre ellos.

2. Por parte de la Republica de Bolivia, y en el Tribunal que actue en una posesion de Su Majestad Britanica, —si la vacante fuere la del juez Boliviano, se llenará por el

arbitro Boliviano; y en este caso, ó en el de que la vacante fuere originariamente la del arbitro Boliviano, será este reemplazado sucesivamente por el Consul Boliviano, y por el Vice-Consul Boliviano, si hubiere Consul ó Vice-Consul Bolivianos nombrados para dicha posesion, y residentes en ella; y en el caso de que la vacante fuere á un mismo tiempo del juez y del arbitro Bolivianos, la vacante del juez Boliviano se llenará por el Consul Boliviano, y la del arbitro Boliviano por el Vice-Consul Boliviano, si hubiere Consul y Vice-Consul Bolivianos nombrados para dicha posesion, y residentes en ella; y si no hubiere Consul ni Vice-Consul Bolivianos para reemplazar el arbitro Boliviano, el arbitro Britanico será llamado en todos los casos en que el arbitro Boliviano seria llamado, si lo hubiere; y en caso de que la vacante fuere del juez y del arbitro Bolivianos á un mismo tiempo, y no hubiere Consul ni Vice-Consul Bolivianos para reemplazarlos interinamente, entonces actuarán el juez y el arbitro Britanicos, y procederán en consecuencia á juzgar todos los casos que se les presenten, y á pronunciar sentencia sobre ellos.

3. Por parte de Su Majestad Britanica, y en el Tribunal que residiere en una posesion de Su Majestad,—si la vacante fuere la del juez Britanico, su puesto se llenará por el arbitro Britanico; y en este caso, ó en el de que la vacante fuere originariamente la del arbitro Britanico, este será reemplazado sucesivamente por el gobernador ó teniente gobernador residente en la expresada posesion; por el magistrado principal de la misma; ó por el secretario del gobierno: y el tribunal asi constituido entrará en el ejercicio de sus funciones, y procederá en consecuencia á juzgar todos los casos que se le presenten, y á pronunciar sentencia sobre ellos.

4. Por parte de la Gran Bretaña, y en el Tribunal que actue en el territorio de la Republica de Bolivia,—si la vacante fuere la del juez Britanico, se llenará por el arbitro Britanico; y en este caso, ó en el de que la vacante fuere originariamente la del arbitro Britanico, este será reemplazado sucesivamente por el Consul Britanico y por el Vice-Consul Britanico, si hubiere Consul ó Vice-Consul Britanicos nombrados para el lugar en que actuare dicho Tribunal, y residentes en el; y en el caso de que la vacante fuere á

un mismo tiempo del juez y del arbitro Britanicos, la vacante del juez Britanico se llenará por el Consul Britanico, y la del arbitro Britanico por el Vice-Consul Britanico, si hubiere Consul y Vice-Consul Britanicos nombrados para dicho lugar, y residentes en el; y si no hubiere Consul ni Vice-Consul Britanicos para reemplazar al arbitro Britanico, el arbitro Boliviano será llamado, en los casos en que el arbitro Britanico seria llamado, si lo hubiere; y en caso de que la vacante fuere del juez y del arbitro Britanicos á un mismo tiempo, y no hubiere Consul ni Vice-Consul Britanicos para reemplazarlos interinamente, entonces actuarán el juez y el arbitro Bolivianos, y procederán en consecuencia á juzgar todos los casos que se les presenten, y á pronunciar sentencia sobre ellos.

La mas alta autoridad civil de la posesion en que cualquiera de los Tribunales Mixtos residiere, cuando ocurra una vacante, sea de juez ó de arbitro, de la otra Alta Parte Contratante, lo participará inmediatamente á la mas alta autoridad civil de la posesion mas inmediata de dicha Alta Parte Contratante, para que se llene la vacante en el termino mas corto posible; y ambas Partes Contratantes convienen en llenar definitivamente, y tan pronto como se pueda, las vacantes que por fallecimiento ó por cualquiera otra causa, ocurran en los sobredichos Tribunales.

Los infrascritos Plenipotenciarios han acordado, con arreglo al Artículo XIII del Tratado que han firmado hoy veinticinco de Setiembre, de mil ochocientos cuarenta, que el Reglamento precedente, compuesto de nueve Artículos, correrá anexo á dicho Tratado, y será considerado parte integrante del mismo.

Hoy veinticinco de Setiembre, de mil ochocientos cuarenta.

(L.S.) Jose Mª. Linares.
(L.S.) Belford Hinton Wilson.

Adicional C. *Reglamento para el buen trato de los Negros emancipados.*

Articulo I. El objeto y espiritu de este Reglamento se encaminan á asegurar á los Negros emancipados en

virtud de las estipulaciones del Tratado á que es anexo (bajo la letra C.) un buen trato permanente, y una entera y completa libertad, de conformidad con las intenciones beneficas de las Altas Partes Contratantes.

Artículo II. Inmediatamente despues que el Tribunal Mixto de Justicia, establecido en virtud del Tratado á que va anexo este Reglamento, hubiere pronunciado sentencia condenando á una embarcacion acusada de haber tomado parte en el Trafico ilegal de Esclavos, todos los Negros que se hubieren hallado en dicha embarcacion, y hubieren sido conducidos á su bordo con el objeto de traficar con ellos, serán entregados al Gobierno á que pertenezca el cruzero que haya hecho la presa.

Artículo III. Si es Britanico el cruzero que ha hecho la presa, el Gobierno Britanico se obliga á que los Negros serán tratados en absoluta conformidad con las leyes vigentes en las colonias de la Gran Bretaña con respecto á los Negros libres ó emancipados.

Artículo IV. Si fuere Boliviano el cruzero que ha hecho la presa, en este caso se entregarán los Negros á las autoridades Bolivianas de aquel lugar de los dominios de la Republica de Bolivia, en que se hallé establecido el Tribunal Mixto de Justicia; y el Gobierno Boliviano se obliga solemnemente á que dichos Negros serán tratados alli con estricta sujeccion á los reglamentos vigentes en la Republica de Bolivia con respecto á los Negros libres, ó en conformidad con los reglamentos que en adelante se establecieren en la Republica de Bolivia sobre esta materia; los cuales reglamentos tendrán siempre el benefico objeto de asegurar franca y lealmente á los Negros emancipados el goze de la libertad adquirida libre de toda molestia, el buen trato, el conocimiento de los dogmas de la religion Cristiana, su adelantamiento en la moral y la civilizacion, y la instruccion suficiente en los oficios mecanicos, para que dichos Negros emancipados se hallen en estado de mantenerse por si mismos, como artesanos, menestrales, ó criados domesticos.

Artículo V. Con el fin que se explica en el Artículo VI, se llevará en la secretaria de la mas alta autoridad civil de aquella parte de la Republica de Bolivia en que residiere el Tribunal Mixto de Justicia, un registro de todos los Negros emancipados, en que se escribirán, con exactitud

escrupulosa, los nombres que se hayan puesto á los Negros, los nombres de las embarcaciones en que hayan sido apresados, los de las personas á cuyo cuidado se encomendaren, y cualesquiera otras circunstancias que contribuyan al fin propuesto.

Artículo VI. El registro á que se refiere el precedente Artículo, servirá para formar un estado jeneral, que la mas alta autoridad civil de aquella parte de las posesiones de la Republica de Bolivia en que resida el Tribunal Mixto de Justicia, será obligado á entregar cada seis meses al mencionado Tribunal Mixto, con el objeto de hacer constar la existencia de los Negros que en vertud de este Tratado se emanciparen, las mejoras de su condicion, y los progresos de su enseñanza religiosa, moral, é industrial. Dicho estado especificará asi mismo los nombres y descripciones de los Negros emancipados que hayan fallecido durante el periodo á que corresponde el estado.

Artículo VII. Las Altas Partes Contratantes acuerdan, que si en adelante pareciere necesario adoptar nuevas medidas por haber resultado ineficaces las que en este Adicional van mencionadas, consultarán entre si, y de comun acuerdo establecerán otros medios mas á proposito para el complete logro de los fines que se proponen.

Artículo VIII. Los infrascritos Plenipotenciarios han acordado, de conformidad con el Artículo XIII del Tratado que han firmado el dia de hoy veinticinco de Setiembre, de mil ochocientos cuarenta, que el presente Adicional, compuesto de ocho Artículos, correrá anexo á dicho Tratado, y será considerado como parte integrante del mismo.

Hoy veinticinco del mes de Setiembre, de mil ochocientos cuarenta.

(L.S.) Jose Mª. Linares.
(L.S.) Belford Hinton Wilson.

Artículos Adicionales al Tratado concluido hoy veinticinco del mes de Setiembre, de mil ochocientos cuarenta, entre la Republica de Bolivia y Su Majestad Britanica, para la abolicion del Comercio de Esclavos.

Articulo I. Queda acordado y entendido, que si hubiere alguna demora en el nombramiento del juez y del arbitro que por parte de la Republica de Bolivia han de ser

destinados á actuar en cada uno de los Tribunales Mixtos de Justicia que deben establecerse en conformidad con este Tratado, ó si dichos empleados, despues de su nombramiento, se hallaren ausentes; en uno ú otro de estos casos, y en cualquier tiempo que esto suceda, el juez y el arbitro nombrados por parte de Su Majestad Britanica, y presentes en dichos Tribunales, procederán, en ausencia del juez y arbitro Bolivianos, á abrir dichos Tribunales, y á juzgar los casos que, de conformidad con el Tratado, se les presenten; y que la sentencia pronunciada en tales casos por los dichos juez y arbitro Britanicos, tendrán la misma fuerza y valor, que si el juez y el arbitro Bolivianos hubiesen sido nombrados, y se hallaren presentes y actuaren en los Tribunales Mixtos en los referidos casos.

Artículo II. Queda tambien acordado que, no obstante las estipulaciones del Artículo I del Adicional B, mientras no se nombraren el juez y el arbitro Bolivianos, no será necesario que la Republica de Bolivia nombre el secretario ó actuario que en dicho Artículo se menciona; que entretanto el secretario ó actuario del Tribunal que exista en el territorio de la Republica de Bolivia, será nombrado y pagado por el Gobierno de Su Majestad Britanica; y que todos los gastos de los dos Tribunales que se establezcan en virtud de este Tratado, serán á cargo del Gobierno de Su Majestad Britanica.

Artículo III. Si al vertirse este Tratado al idioma Español, se incidiese en algun error involuntario en la traduccion, el texto Ingles deberá ser seguido.

Los presentes Artículos Adicionales formarán parte integrante del Tratado para la abolicion del Trafico de Esclavos, firmado el dia de hoy, y tendrán la misma fuerza y valor, que si se hallasen insertos en el, palabra por palabra; y serán ratificados al mismo tiempo.

En testimonio de lo cual los respectivos Plenipotenciarios lo han firmado, y sellado con sus sellos.

Hecho en Sucre, el dia veinticinco de Setiembre, del año de nuestro Señor de mil ochocientos cuarenta.

(L.S.) Jose Mª. Linares.

(L.S.) Belford Hinton Wilson.

---

*

BRAZIL.

CONVENTION *between His Majesty and the Emperor of Brazil, for the abolition of the African Slave Trade.— Signed at Rio de Janeiro, November* 23, 1826.

[Ratifications exchanged at London, March 13, 1827.]

WHEREAS, upon the separation of the Empire of Brazil from the Kingdom of Portugal, His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of Brazil, respectively acknowledged the obligation which devolves upon them to renew, confirm, and give full effect to the stipulations of the Treaties subsisting between the Crowns of Great Britain and Portugal, for the regulation and final abolition of the African Slave Trade, in so far as these stipulations are binding upon Brazil;

And whereas, in furtherance of that important object, His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of Brazil, are animated with a sincere desire to fix and define the period at which the total abolition of the said trade, so far as relates to the dominions and subjects of the Brazilian Empire, shall take place; their said Majesties have accordingly named as their Plenipotentiaries to conclude a convention for this purpose; that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Robert Gordon, a member of His Majesty's Most Honourable Privy Council, and his Envoy Extraordinary and Minister Plenipotentiary at the Court of Brazil:—and His Majesty the Emperor of Brazil, the Most Illustrious and Most Excellent Marquis of Inhambupe, Senator of the Empire, of the Council of State, Dignitary of the Imperial Order of the Cross, Commander of the Order of Christ, and Minister and Secretary of State for Foreign Affairs; and the Most Illustrious and Most Excellent Marquis of Santo Amaro, Senator of the Empire, of the Council of State, Gentleman

f the Imperial Chamber, Dignitary of the Imperial Order f the Cross, and Commander of the Orders of Christ and f the Tower and Sword:

Who, after having communicated to each other their espective full powers, found to be in due and proper orm, have agreed upon and concluded the following rticles:—

Article I. At the expiration of three years, to be ckoned from the exchange of the ratifications of the resent Treaty, it shall not be lawful for the subjects of ie Emperor of Brazil to be concerned in the carrying on f the African Slave Trade, under any pretext or in any anner whatever, and the carrying on of such trade after at period, by any person, subject of His Imperial lajesty, shall be deemed and treated as piracy.

Article II. His Majesty the King of the United Kingdom f Great Britain and Ireland, and His Majesty the Emperor f Brazil, deeming it necessary to declare the engagements y which they hold themselves bound to provide for the gulation of the said trade, till the time of its final aboli- on, they hereby mutually agree to adopt and renew, as fectually as if the same were inserted, word for word, in is Convention, the several Articles and Provisions of the reaties concluded between His Britannic Majesty and the ing of Portugal on this subject, on the 22nd of January, 815, and on the 28th of July, 1817, and the several Ex- lanatory Articles which have been added thereto.

Article III. The High Contracting Parties further agree, at all the matters and things contained in those Treaties, gether with the instructions and regulations, and forms f instruments annexed to the Treaty of the 28th of July, 817, shall be applied, *mutatis mutandis*, to the said High ontracting Parties and their subjects, as effectually as if ey were recited, word for word, herein; confirming and pproving hereby, all matters and things done by their espective subjects under the said Treaties, and in execution ereof.

Article IV. For the execution of the purposes of this onvention, the High Contracting Parties further agree to ppoint forthwith Mixed Commissions, after the form of ose already established on the part of His Britannic

Majesty and the King of Portugal, under the Convention of the 28th of July, 1817.

Article V. The present Convention shall be ratified, and the ratifications shall be exchanged in London within four months from the date hereof, or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Rio de Janeiro, the 23rd day of November, in the year of our Lord, 1826.

(L.S.) Robt. Gordon.

(L.S.) Marquez de Inhambupe.

(L.S.) Marquez de S. Amaro.

Treaty *between Great Britain and Portugal.—Signed at Vienna, the 22nd January*, 1815.

In the Name of the Most Holy and Undivided Trinity.

His Royal Highness the Prince Regent of Portugal having, by the 10th Article of the Treaty of Alliance, concluded at Rio de Janeiro, on the 19th February, 1810, declared his determination to co-operate with His Britannic Majesty in the cause of humanity and justice, by adopting the most efficacious means for bringing about a gradual abolition of the Slave Trade; and his Royal Highness, in pursuance of his said declaration, and desiring to effectuate, in concert with His Britannic Majesty and the other Powers of Europe, who have been induced to assist in this benevolent object, an immediate abolition of the said traffic upon the parts of the coast of Africa which are situated to the northward of the line: His Britannic Majesty and his Royal Highness the Prince Regent of Portugal, equally animated by a sincere desire to accelerate the moment when the blessings of peaceful industry and an innocent commerce may be encouraged throughout this extensive portion of the continent of Africa, by its being delivered from the evils of the Slave Trade, have agreed to enter into

a Treaty for the said purpose, and have accordingly named as their Plenipotentiaries, viz: His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Robert Stewart, Viscount Castlereagh, K.G., his said Majesty's Principal Secretary of State for Foreign Affairs, and his Plenipotentiary at the Congress of Vienna, &c. &c. &c.; and his Royal Highness the Prince Regent of Portugal, the Most Illustrious and Most Excellent Don Pedro de Sousa-Holstein, Count of Palmella, a member of his Royal Highness' Council, &c. &c. &c.; the Most Illustrious and Most Excellent Anthony de Saldanha da Gama, a member of His Royal Highness' Council and of his Council of Finance, &c. &c. &c.; and the Most Illustrious and Most Excellent Dom Joachim Lobo da Silveira, a member of his Royal Highness' Council, &c. &c. &c., his Royal Highness' Plenipotentiaries at the Congress of Vienna; who, having mutually exchanged their full powers, found in good and due form, have agreed upon the following Articles:—

Article I. That from and after the ratification of the present Treaty, and the publication thereof, it shall not be lawful for any of the subjects of the Crown of Portugal to purchase Slaves, or to carry on the Slave Trade, on any part of the coast of Africa to the northward of the equator, upon any pretext, or in any manner whatsoever: provided nevertheless, that the said provision shall not extend to any ship or ships having cleared out from the ports of Brazil, previous to the publication of such ratification; and provided the voyage, in which such ship or ships are engaged, shall not be protracted beyond six months after such publication as aforesaid.

Article II. His Royal Highness the Prince Regent of Portugal hereby agrees, and binds himself, to adopt, in concert with His Britannic Majesty, such measures as may best conduce to the effectual execution of the preceding engagement, according to its true intent and meaning; and His Britannic Majesty engages, in concert with his Royal Highness, to give such orders as may effectually prevent any interruption being given to Portuguese ships resorting to the actual dominions of the Crown of Portugal, or to the territories which are claimed in the said Treaty of Alliance, as

belonging to the said Crown of Portugal, to the southward of the line, for the purposes of trading in Slaves, as aforesaid, during such further period as the same may be permitted to be carried on by the laws of Portugal, and under the Treaties subsisting between the two Crowns.

Article III. The Treaty of Alliance concluded at Rio de Janeiro, on the 19th February, 1810, being founded on circumstances of a temporary nature, which have happily ceased to exist, the said Treaty is hereby declared to be void in all its parts, and of no effect; without prejudice, however, to the ancient Treaties of Alliance, Friendship and Guarantee, which have so long and so happily subsisted between the two Crowns, and which are hereby renewed by the High Contracting Parties, and acknowledged to be of full force and effect.

Article IV. The High Contracting Parties reserve to themselves, and engage to determine, by a separate Treaty, the period at which the Trade in Slaves shall universally cease, and be prohibited throughout the entire dominions of Portugal; the Prince Regent of Portugal hereby renewing his former declaration and engagement, that, during the interval which is to elapse before such general and final abolition shall take effect, it shall not be lawful for the subjects of Portugal to purchase or trade in Slaves, upon any parts of the coast of Africa, except to the southward of the line, as specified in the Second Article of this Treaty; nor to engage in the same, or to permit their flag to be used, except for the purpose of supplying the transatlantic possessions belonging to the Crown of Portugal.

Article V. His Britannic Majesty hereby agrees to remit, from the date at which the ratification mentioned in 1st Article shall be promulgated, such further payments as may then remain due and payable upon the loan of £600,000, made in London for the service of Portugal, in the year 1809, in consequence of a convention signed on the 21st of April of the same year; which convention, under the conditions specified as aforesaid, is hereby declared to be void and of no effect.

Article VI. The present Treaty shall be ratified, and the ratifications shall be exchanged at Rio de Janeiro in the space of five months, or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed it, and have thereunto affixed the seals of their arms.

Done at Vienna, this 22nd of January, 1815.

(Signed)

CASTLEREAGH, (L.S.)

CONDE DE PALMELLA, (L.S.)
ANTONIO DE SALDANHA DA GAMA, (L.S.)
D. JOAQUIM LOBO DA SILVEIRA, (L.S.)

Additional Article.

IT is agreed, that in the event of any of the Portuguese settlers being desirous of retiring from the settlements of the Crown of Portugal on the coast of Africa to the northward of the equator, with the Negroes, *bona fide* their domestics, to some other of the possessions of the Crown of Portugal, the same shall not be deemed unlawful, provided it does not take place on board a Slave-trading vessel, and provided they be furnished with proper passports and certificates, according to a form to be agreed on between the two Governments.

The present Additional Article shall have the same force and effect as if it were inserted, word for word, in the Treaty signed this day, and shall be ratified, and the ratifications exchanged at the same time.

In witness whereof, the respective Plenipotentiaries have signed it, and have thereunto affixed the seals of their arms.

Done at Vienna, this 22nd of January, 1815.

(Signed)

CASTLEREAGH, (L.S.)

CONDE DE PALMELLA, (L.S.)
ANTONIO DE SALDANHA DA GAMA, (L.S.)
D. JOAQUIM LOBO DA SILVEIRA, (L.S.)

ADDITIONAL CONVENTION *to the Treaty of the 22nd January, 1815, between His Britannic Majesty and His Most Faithful Majesty, for the purpose of preventing their Subjects from engaging in any illicit Traffic in Slaves. —Signed at London, the 28th July,* 1817.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the United Kingdom of Portugal, Brazil, and Algarves, adhering to the principles which they have manifested in the Declaration of the Congress of Vienna, bearing date the 8th of February, 1815, and being desirous to fulfil faithfully, and to their utmost extent, the engagements which they mutually contracted by the Treaty of the 22nd of January, 1815, and till the period shall arrive when, according to the tenour of Fourth Article of the said Treaty, His Most Faithful Majesty has reserved to himself, in concert with His Britannic Majesty, to fix the time when the trade in Slaves shall cease entirely, and be prohibited in his dominions, and His Majesty the King of the United Kingdom of Portugal, Brazil, and Algarves, having bound himself, by the second Article of the said Treaty, to adopt the measures necessary to prevent his subjects from all illicit Traffic in Slaves; and His Majesty the King of the United Kingdom of Great Britain and Ireland, having, on his part, engaged, in conjunction with His Most Faithful Majesty, to employ effectual means to prevent Portuguese vessels trading in Slaves, in conformity with the laws of Portugal and the existing treaties, from suffering any loss or hindrance from British cruizers; their said Majesties have accordingly resolved to proceed to the arrangement of a convention for the attainment of these objects, and have therefore named as Plenipotentiari[illegible] *ad hoc*, viz.:—

His Majesty the King of the United K[illegible] Great Britain and Ireland, the Right Hono[illegible] Stewart, Viscount Castlereagh, K.G., his [illegible] tary of State for Foreign Affairs, &c [illegible] Majesty the King of the United [illegible] Brazil, and Algarves, the M[illegible] Excellent Lord, Don Pedro [illegible]

Palmella, Councillor of His said Majesty, Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty, &c., &c., &c.; who, after having exchanged their respective full powers, found to be in good and due form, have agreed upon the following Articles:—

ARTICLE I. The object of this Convention is, on the part of the two Governments, mutually to prevent their respective subjects from carrying on an illicit Slave Trade.

The two High Contracting Powers declare, that they consider as illicit any Traffic in Slaves carried on under the following circumstances:

1st. Either by British ships, and under the British flag, or for the account of British subjects, by any vessel, or under any flag whatsoever.

2nd. By Portuguese vessels in any of the harbours or roads of the coast of Africa, which are prohibited by the First Article of the Treaty of the 22nd of January, 1815.

3rd. Under the Portuguese or British flag for the account of the subjects of any other Government.

4th. By Portuguese vessels bound for any port not in the dominions of His Most Faithful Majesty.

Article II. The territories in which the Traffic in Slaves continues to be permitted under the Treaty of the 22nd of January, 1815, to the subjects of His Most Faithful Majesty, are the following:

1st. The territories possessed by the Crown of Portugal upon the coast of Africa to the south of the equator, that is to say, upon the eastern coast of Africa, the territory laying between Cape Delgado and the Bay of Lourenço Marques, and upon the western coast, all that which is situated from the 8th to the 18th degree of south latitude.

2nd. Tho[illegible]rritories on the coast of Africa to the south of t[illegible]tor, over which His Most Faithful M[illegible]ed that he has retained his rights,

[illegible] of [illegible]bo and Cabinda upon the [illegible]fric[illegible]he 5th degree 12′ to the [illegible]titu[illegible]

[illegible]s M[illegible]l Majesty engages, within

[illegible] Dec[illegible]nd of this Treaty.

the space of two months after the exchange of the ratifications of this present Convention, to promulgate in his capital, and in the other parts of his dominions, as soon as possible, a law which shall prescribe the punishment of any of his subjects who may in future participate in an illicit Traffic of Slaves, and at the same time to renew the prohibition which already exists, to import Slaves into the Brazils under any flag other than that of Portugal; and His Most Faithful Majesty engages to assimilate, as much as possible, the legislation of Portugal in this respect to that of Great Britain.

Article IV. Every Portuguese vessel which shall be destined for the Slave Trade, on any point of the African coast, where this traffic still continues to be lawful, must be provided with a royal passport, conformable to the model annexed to this present Convention, and which model forms an integral part of the same. The passport must be written in the Portuguese language, with an authentic translation in English annexed thereto, and it must be signed, for those vessels sailing from the port of Rio Janeiro, by the Minister of Marine; and, for all other vessels which may be intended for the said traffic, and which may sail from any other ports of the Brazils, or from any other of the dominions of His Most Faithful Majesty not in Europe, the passports must be signed by the Governor-in-Chief of the captaincy to which the port belongs; and as to those vessels which may proceed from the ports of Portugal, to carry on the Traffic in Slaves, their passports must be signed by the Secretary of the Government for the Marine Department.

Article V. The two High Contracting Powers, for the more complete attainment of their object, namely, the prevention of all illicit Traffic in Slaves on the part of their respective subjects, mutually consent, that the ships of war of their royal navies which shall be provided with special instructions for this purpose, as hereinafter provided, may visit such merchant vessels of the two nations as may be suspected, upon reasonable grounds, of having Slaves on board, acquired by an illicit traffic, and (in the event only of their actually finding Slaves on board) may detain and bring away such vessels, in order that they may be brought

to trial before the tribunals established for this purpose, as shall hereinafter be specified.

Provided always, that the commanders of the ships of war of the two royal navies, who shall be employed on this service, shall adhere strictly to the exact tenour of the instructions which they shall have received for this purpose.

As this Article is entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects may incur unjustly, by the arbitrary and illegal detention of their vessels: it being understood that this indemnity shall invariably be borne by the Government whose cruizer shall have been guilty of the arbitrary detention; provided always, that the visit and detention of Slave-ships, specified in this Article, shall only be effected by those British or Portuguese vessels which may form part of the two royal navies, and by those only of such vessels which are provided with the special Instructions annexed to the present Convention.

Article VI. No British or Portuguese cruizer shall detain any Slave-ship, not having Slaves actually on board; and in order to render lawful the detention of any ship, whether British or Portuguese, the Slaves found on board such vessel must have been brought there for the express purpose of the traffic; and those on board Portuguese ships must have been taken from that part of the coast of Africa where the Slave Trade was prohibited by the Treaty of the 22nd of January, 1815.

Article VII. All ships of war of the two nations, which shall hereafter be destined to prevent the illicit Traffic in Slaves, shall be furnished by their own Government with a copy of the Instructions annexed to the present Convention, and which shall be considered as an integral part thereof.

These Instructions shall be written in Portuguese and English, and signed for the vessels of each of the two Powers, by the ministers of their respective marine.

The two High Contracting Parties reserve the faculty of altering the said Instructions, in whole or in part, according to circumstances; it being, however, well understood, that the said alterations cannot take place but by common

agreement, and by the consent of the two High Contracting Parties.

Article VIII. In order to bring to adjudication, with the least delay and inconvenience, the vessels which may be detained for having been engaged in an illicit Traffic of Slaves, there shall be established, within the space of a year at furthest, from the exchange of the ratifications of the present Convention, two Mixed Commissions, formed of an equal number of individuals of the two nations, named for this purpose by their respective Sovereigns.

These Commissions shall reside, one in a possession belonging to His Britannic Majesty, the other within the territories of His Most Faithful Majesty; and the two Governments, at the period of the exchange of the ratifications of the present Convention, shall declare, each for its own dominions, in what places the Commissions shall respectively reside. Each of the two High Contracting Parties reserving to itself the right of changing, at its pleasure, the place of residence of the Commission held within its own dominions; provided, however, that one of the two Commissions shall always be held upon the coast of Africa, and the other in the Brazils.

These Commissions shall judge the causes submitted to them without appeal, and according to the Regulation and Instructions annexed to the present Convention, of which they shall be considered as an integral part.

Article IX. His Britannic Majesty, in conformity with the stipulations of the Treaty of the 22nd of January, 1815, engages to grant, in the manner hereafter explained, sufficient indemnification to all the proprietors of Portuguese vessels and cargoes captured by British cruizers, between the 1st of June, 1814, and the period at which the two Commissions, pointed out in Article VIII of the present Convention, shall assemble at their respective posts.

The two High Contracting Parties agree that all claims of the nature hereinbefore mentioned, shall be received and liquidated by a Mixed Commission, to be held at London, and which shall consist of an equal number of the individuals of the two nations, named by their respective Sovereigns, and upon the same principles stipulated by the VIIIth Article of this Additional Convention, and by the

other Acts which form an integral part of the same. The aforesaid Commission shall commence their functions six months after the ratification of the present Convention, or sooner, if possible.

The two High Contracting Parties have agreed that the proprietors of vessels captured by the British cruizers cannot claim compensation for a larger number of Slaves than that which, according to the existing laws of Portugal, they were permitted to transport, according to the rate of tonnage of the captured vessel.

The two High Contracting Parties are equally agreed, that every Portuguese vessel captured with Slaves on board for the traffic, which shall be proved to have been embarked within the territories of the coast of Africa, situated to the north of Cape Palmas, and not belonging to the Crown of Portugal,—as well as all Portuguese vessels captured with Slaves on board for the traffic, six months after the exchange of the ratifications of the Treaty of the 22nd of January, 1815, and on which it can be proved that the aforesaid Slaves were embarked in the roadsteads of the coast of Africa situated to the north of the equator, shall not be entitled to claim any indemnification.

Article X. His Britannic Majesty engages to pay, within the space of a year at furthest, from the decision of each case, to the individuals having a just claim to the same, the sums which shall be granted to them by the Commissions named in the preceding Articles.

Article XI. His Britannic Majesty formally engages to pay the 300,000*l.* of indemnification, stipulated by the Convention of the 21st January, 1815, in favour of the proprietors of Portuguese vessels captured by British cruizers, up to the period of the 1st of June, 1814, in the manner following, viz.:—

The first payment of 150,000*l.* six months after the exchange of the ratifications of the present Convention, and the remaining 150,000*l.*, as well as the interest at five per cent. due upon the total sum, from the day of the exchange of the ratifications of the Convention of the 21st of January, 1815, shall be paid nine months after the exchange of the ratifications of the present Convention. The interest due shall be payable up to the day of the last payment. All

the aforesaid payments shall be made in London, to the Minister of His Most Faithful Majesty at the Court of His Britannic Majesty, or to the persons whom His Most Faithful Majesty shall think proper to authorize for that purpose.

Article XII. The Acts or Instruments annexed to this Additional Convention, and which form an integral part thereof, are as follows:—

No. 1. Form of passport for the Portuguese merchant ships destined for the lawful Traffic in Slaves.

No. 2. Instructions for the ships of war of both nations destined to prevent the illicit Traffic in Slaves.

No. 3. Regulation of the Mixed Commissions, which are to hold their sittings on the coast of Africa, at the Brazils, and in London.

Article XIII. The present Convention shall be ratified, and the ratifications thereof exchanged at Rio Janeiro, within the space of four months at the furthest, dating from the day of its signature.

In witness whereof, the respective Plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Done in London, the 28th July, 1817.

(Signed)

CASTLEREAGH, (L.S.) CONDE DE PALMELLA, (L.S.)

Form of Passport for Portuguese Vessels destined for the lawful Traffic in Slaves.

(Place for the Royal Arms.)

I, Minister and Secretary of State for the Affairs of the Marine and Transatlantic Dominions, &c., &c.

(*or Governor of this Province,*)

(*or Secretary of the Government of Portugal,*)

make known to those that shall see the present passport, that the vessel called of tons, and carrying men and passengers, master, and owner, Portuguese, and subjects of the United Kingdom, is bound to the ports of

and and coast of from whence she is to return to the said master and owner having previously taken the required oath before the Royal Board of Commerce of this capital (or the Board of Inspection of this province), and having legally proved that no foreigner has any share in the above vessel and cargo, as appears by the certificate of that Royal Board (or Board of Inspection), which is annexed to this passport. The said master, and owner of the said vessel, being under an obligation to enter solely such ports of the coast of Africa where the Slave Trade is permitted to the subjects of the United Kingdom of Portugal, Brazil, and Algarves; and to return from thence to any of the ports of this kingdom, where alone they shall be permitted to land the Slaves whom they carry, after going through the proper forms, to shew that they have, in every respect, complied with the provisions of the *Alvará* of the 24th of November, 1813, by which His Majesty was pleased to regulate the conveyance of Slaves from the coast of Africa to his dominions of Brazil. And should they fail to execute any of these conditions, they shall be liable to the penalties denounced by the *Alvará* of* against those who shall carry on the Slave Trade in an illicit manner. And as in going or returning she may, either at sea or in port, meet officers of ships and vessels of the same kingdom, the King our Lord orders them not to give her any obstruction; and His Majesty recommends to the officers of the fleets, squadrons, and ships of the Kings, Princes, Republics, and Potentates, the friends and allies of the Crown, not to prevent her from prosecuting her voyage, but, on the contrary, to afford her any aid and accommodation she may want for continuing the same; being persuaded that those recommended by their Princes will, on our part, experience the same treatment. In testimony of which His Majesty has ordered her to be furnished by me with this passport, signed and sealed with the great seal of the royal arms, which shall have validity only for and for one voyage alone.

* This *Alvará* to be promulgated in pursuance of the Third Article of the Additional Convention of the 28th July, 1817.

Given in the Palace of the of in the year after the birth of our Lord Jesus Christ

(L.S.) N.

By order of his Excellency,

the Officer who made out the Passport.

This Passport (No.) authorizes any number of Slaves not exceeding being per ton (as permitted by the *Alvará* of*) to be on board of this ship at one time, excepting always such Slaves employed as sailors or domestics, and children born on board during the voyage.

(Signed as above, by the proper Portuguese authorities)

(Signed)

CASTLEREAGH, (L.S.) CONDE DE PALMELLA, (L.S.)

Instructions intended for the British and Portuguese Ships of War employed to prevent the illicit Traffic in Slaves.

ARTICLE I. Every British or Portuguese ship of war shall, in conformity with Article V of the Additional Convention of this date, have a right to visit the merchant ships of either of the two Powers actually engaged, or suspected to be engaged in the Slave Trade; and should any Slaves be found on board according to the tenor of the Sixth Article of the aforesaid Additional Convention;—and as to what regards the Portuguese vessels, should there be ground to suspect that the said Slaves have been embarked on a part of the coast of Africa where the traffic in Slaves can no longer be legally carried on, in consequence of the stipulations in force between the two High Powers: in these cases alone, the commander of the said ship of war may detain them; and having detained them, he is to bring them, as soon as possible, for judgment before that of the two Mixed Commissions appointed by the Eighth Article of the Additional Convention of this date, which shall be the nearest, or which the commander of the capturing ship shall upon his own responsibility think he can soonest

* That is to say, the *Alvará* of the 24th of November, 1813, or any other Portuguese law which may hereafter be promulgated in lieu thereof.

reach from the spot where the Slave-ship shall have been detained.

Ships, on board of which no Slaves shall be found intended for the purposes of traffic, shall not be detained on any account or pretence whatever.

Negro servants or sailors that may be found on board the said vessels, cannot, in any case, be deemed a sufficient cause for detention.

Article II. No merchantman or Slave-ship can, on any account or pretence whatever, be visited or detained whilst in the port or roadstead belonging to either of the two High Contracting Powers, or within cannon-shot of the batteries on shore. But in case suspicious vessels should be found so circumstanced, proper representations may be addressed to the authorities of the country, requesting them to take effectual measures for preventing such abuses.

Article III. The High Contracting Powers having in view the immense extent of the shores of Africa to the north of the equator along which this commerce continues prohibited, and the facility thereby afforded for illicit traffic, on points where either the total absence, or at least the distance of lawful authorities, bar ready access to those authorities, in order to prevent it, have agreed, for the more readily attaining the salutary end which they propose, to grant, and they do actually grant to each other the power, without prejudice to the rights of sovereignty, to visit and detain, as if on the high seas, any vessel having Slaves on board, even within cannon-shot of the shore of their respective territories on the continent of Africa to the north of the equator, in case of there being no local authorities to whom recourse may be had, as has been stated in the preceding Article. In such case, vessels so visited may be brought before the Mixed Commissions, in the form prescribed in the First Article of the preceding Instructions.

Article IV. No Portuguese merchantman or Slave-ship shall, on any pretence whatever, be detained, which shall be found any where near the land, or on the high seas, south of the equator, unless after a chase that shall have commenced north of the equator.

Article V. Portuguese vessels furnished with a regular passport, having Slaves on board, shipped at those parts of

the coast of Africa where the trade is permitted to Portuguese subjects, and which shall afterwards be found north of the equator, shall not be detained by the ships of war of the two nations, though furnished with the present Instructions, provided the same can account for their course, either in conformity with the practice of the Portuguese navigation, by steering some degrees to the northward, in search of fair winds, or for other legitimate causes, such as the dangers of the sea, duly proved; or lastly, in the case of their passports proving that they were bound for a Portuguese port not within the continent of Africa. Provided always, that with regard to all Slave-ships detained to the north of the equator, the proof of the legality of the voyage is to be furnished by the vessel so detained. On the other hand, with respect to Slave-ships detained to the south of the equator, in conformity with the stipulation of the preceding Article, the proof of the illegality of the voyage is to be exhibited by the captor.

It is in like manner stipulated, that the number of Slaves found on board a Slave-ship by the cruizers, even should the number not agree with that contained in their passport, shall not be a sufficient reason to justify the detention of the ship; but the captain and the proprietor shall be denounced in the Portuguese tribunals in the Brazils, in order to their being punished according to the laws of the country.

Article VI. Every Portuguese vessel intended to be employed in the legal Traffic in Slaves, in conformity with the principles laid down in the Additional Convention of this date, shall be commanded by a native Portuguese; and two-thirds, at least, of the crew, shall likewise be Portuguese. Provided always, that its Portuguese or foreign construction shall in nowise affect its nationality, and that the Negro sailors shall always be reckoned as Portuguese, provided they belong, as Slaves, to subjects of the Crown of Portugal, or that they have been enfranchised in the dominions of His Most Faithful Majesty.

Article VII. Whenever a ship of war shall meet a merchant vessel liable to be searched, it shall be done in the most mild manner, and with every attention which is due between allied and friendly nations; and in no case shall the

search be made by an officer holding a rank inferior to that of lieutenant in the navy.

Article VIII. The ships of war which may detain the Slave-ships, in pursuance of the principles laid down in the present Instructions, shall leave on board all the cargo of Negroes untouched, as well as the captain and a part, at least, of the crew of the above-mentioned Slave-ship; the captain shall draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained ship, and the changes which may have taken place in it: he shall deliver to the captain of the Slave-ship a signed certificate of the papers seized on board the said vessel, as well as of the number of Slaves found on board at the moment of detention.

The Negroes shall not be disembarked till after the vessels which contain them shall be arrived at the place where the legality of the capture is to be tried by one of the two Mixed Commissions, in order that, in the event of their not being adjudged legal prize, the loss of the proprietors may be more easily repaired. If, however, urgent motives, deduced from the length of the voyage, the state of health of the Negroes, or other causes, required that they should be disembarked entirely, or in part, before the vessels could arrive at the place of residence of one of the said Commissions, the commander of the capturing ship may take on himself the responsibility of such disembarkation, provided that the necessity be stated in a certificate in proper form.

Article IX. No conveyance of Slaves from one port of the Brazils to another, or from the continent or islands of Africa, to the possessions of Portugal out of America, shall take place as objects of commerce, except in ships provided with passports from the Portuguese Government, *ad hoc*.

Done at London, the 28th of July, 1817.

(Signed)

CASTLEREAGH, (L.S.) CONDE DE PALMELLA, (L.S.)

Regulation for the Mixed Commissions, which are to reside on the Coast of Africa, in the Brazils, and at London.

ARTICLE I. The Mixed Commissions to be established by the Additional Convention of this date, upon the coast of Africa and in the Brazils, are appointed to decide upon the legality of the detention of such Slave-vessels as the cruizers of both nations shall detain, in pursuance of this same Convention, for carrying on an illicit commerce in Slaves.

The above-mentioned Commissions shall judge, without appeal, according to the letter and spirit of the Treaty of the 22nd of January, 1815, and of the Additional Convention to the said Treaty, signed at London on this 28th day of July, 1817.

The Commissions shall give sentence as summarily as possible, and they are required to decide (as far as they shall find it practicable) within the space of twenty days, to be dated from that on which every detained vessel shall have been brought into the port where they shall reside; 1st, upon the legality of the capture; 2nd, in the case in which the captured vessel shall have been liberated, as to the indemnification which she is to receive.

And it is hereby provided, that in all cases the final sentence shall not be delayed on account of the absence of witnesses, or for want of other proofs, beyond the period of two months: except upon the application of any of the parties interested, when, upon their giving satisfactory security to charge themselves with the expense and risks of the delay, the commissioners may, at their discretion, grant an additional delay not exceeding four months.

Article II. Each of the above-mentioned Mixed Commissions, which are to reside on the coast of Africa, and in the Brazils, shall be composed in the following manner:—

The two High Contracting Parties shall each of them name a commissary judge, and a commissioner of arbitration, who shall be authorized to hear and to decide, without appeal, all cases of capture of Slave-vessels which, in pursuance of the stipulation of the Additional Convention of this date, may be laid before them. All the essen-

tial parts of the proceedings carried on before these Mixed Commissions shall be written down in the language of the country in which the Commission may reside.

The commissary judges and the commissioners of arbitration, shall make oath, in presence of the principal magistrate of the place in which the Commission may reside, to judge fairly and faithfully, to have no preference either for the claimants or the captors, and to act, in all their decisions, in pursuance of the stipulations of the Treaty of the 22nd of January, 1815, and of the Additional Convention to the said Treaty.

There shall be attached to each Commission a secretary or registrar, appointed by the Sovereign of the country in which the Commission may reside, who shall register all its acts, and who, previous to his taking charge of his post, shall make oath, in presence of at least one of the commissary judges, to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to his charge.

Article III. The form of the process shall be as follows:—

The commissary judges of the two nations shall, in the first place, proceed to the examination of the papers of the vessel, and to receive the depositions on oath of the captain and of two or three, at least, of the principal individuals on board of the detained vessel, as well as the declaration on oath of the captor, should it appear necessary, in order to be able to judge and to pronounce if the said vessel has been justly detained or not, according to the stipulations of the Additional Convention of this date, and in order that, according to this judgment, it may be condemned or liberated. And in the event of the two commissary judges not agreeing on the sentence they ought to pronounce, whether as to the legality of the detention or the indemnification to be allowed, or on any other question which might result from the stipulations of the Convention of this date,—they shall draw by lot the name of one of the two commissioners of arbitration, who, after having considered the documents of the process, shall consult with the above-mentioned commissary judges on the case in question, and the final sentence shall be

pronounced conformably to the opinion of the majority of the above-mentioned commissary judges, and of the above-mentioned Commission of Arbitration.

Article IV. As often as the cargo of Slaves found on board of a Portuguese Slave-ship shall have been embarked on any point whatever of the coast of Africa, where the Slave Trade continues lawful to the subjects of the Crown of Portugal, such Slave-ship shall not be detained on pretext that the above-mentioned Slaves have been brought originally by land from any other part whatever of the continent.

Article V. In the authenticated declaration which the captor shall make before the Commission, as well as in the certificate of the papers seized, which shall be delivered to the captain of the captured vessel, at the time of the detention, the above-mentioned captor shall be bound to declare his name, the name of his vessel, as well as the latitude and longitude of the place where the detention shall have taken place, and the number of Slaves found living on board of the Slave-ship, at the time of the detention.

Article VI. As soon as sentence shall have been passed, the detained vessel, if liberated, and what remains of the cargo, shall be restored to the proprietors; who may, before the same Commission, claim a valuation of the damages which they may have a right to demand: the captor himself, and, in his default, his Government, shall remain responsible for the above-mentioned damages. The two High Contracting Parties bind themselves to defray, within the term of a year from the date of the sentence, the indemnifications which may be granted by the above-named Commission, it being understood that these indemnifications shall be at the expense of the Power of which the captor shall be a subject.

Article VII. In case of the condemnation of a vessel for an unlawful voyage, she shall be declared lawful prize, as well as her cargo, of whatever description it may be, with the exception of the Slaves who may be on board as objects of commerce; and the said vessel, as well as her cargo, shall be sold by public sale, for the profit of the two Governments; and as to the Slaves, they shall receive from the Mixed Commission a certificate of emancipation, and shall

be delivered over to the Government on whose territory the Commission which shall have so judged them, shall be established, to be employed as servants or free labourers. Each of the two Governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it.

Article VIII. Every claim for compensation of losses occasioned to ships suspected of carrying on an illicit Trade in Slaves, not condemned as lawful prize by the Mixed Commissions, shall be also heard and judged by the above-named Commissions, in the form provided by the Third Article of the present Regulation.

And in all cases wherein restitution shall be so decreed, the Commission shall award to the claimant or claimants, or his or their lawful attorney or attornies, for his or their use, a just and complete indemnification:

First, for all costs of suit, and for all losses and damages which the claimant or claimants may have actually sustained by such capture and detention; that is to say, in case of total loss, the claimant or claimants shall be indemnified,—

1st. For the ship, her tackle, apparel, and stores;

2ndly. For all freight due and payable;

3rdly. For the value of the cargo of merchandize, if any;

4thly. For the Slaves on board at the time of detention, according to the computed value of such Slaves at the place of destination, deducting therefrom the usual fair average mortality for the unexpired period of the regular voyage; deducting also for all charges and expenses payable upon the sale of such cargoes, including commission of sale when payable at such port; and,

5thly. For all other regular charges in such cases of total loss; and in all other cases not of total loss, the claimant or claimants shall be indemnified,—

First, for all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable;

Secondly, a demurrage when due, according to the schedule annexed in the present Article;

Thirdly, a daily allowance for the subsistence of Slaves,

of one shilling, or 180 reis for each person, without distinction of sex or age, for so many days as it shall appear to the Commission that the voyage has been or may be delayed by reason of such detention; as likewise,

Fourthly, for any deterioration of cargo or Slaves;

Fifthly, for any diminution in the value of the cargo of Slaves, proceeding from an increased mortality beyond the average amount of the voyage, or from sickness occasioned by detention; this value to be ascertained by their computed price at the place of destination, as in the above case of total loss;

Sixthly, an allowance of 5 per cent. on the amount of capital employed in the purchase and maintenance of cargo, for the period of delay occasioned by the detention; and,

Seventhly, for all premium of insurance on additional risks.

The claimant or claimants shall likewise be entitled to interest, at the rate of 5 per cent. per annum on the sum awarded, until paid by the Government to which the capturing ship belongs; the whole amount of such indemnifications being calculated in the money of the country to which the captured ship belongs, and to be liquidated at exchange current at the time of award, excepting the sum for the subsistence of Slaves, which shall be paid *at par*, as above stipulated.

The two High Contracting Parties wishing to avoid, as much as possible, every species of fraud in the execution of the Additional Convention of this date, have agreed, that if it should be proved, in a manner evident to the conviction of the judges of the two nations, and without having recourse to the decision of a commissioner of arbitration, that the captor has been led into error by a voluntary and reprehensible fault, on the part of the captain of the detained ship; in that case only, the detained ship shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the present Article.

Schedule of demurrage or daily allowance for a vessel of

100 tons to 120 inclusive,	£5	per diem.
121 ditto — 150 ditto,	6	
151 ditto — 170 ditto,	8	
171 ditto — 200 ditto,	10	
201 ditto — 220 ditto,	11	
221 ditto — 250 ditto,	12	
251 ditto — 270 ditto,	14	
271 ditto — 300 ditto,	15	

and so on in proportion.

Article IX. When the proprietor of a ship, suspected of carrying on an illicit Trade in Slaves, released in consequence of a sentence of one of the Mixed Commissions (or in the case, as above mentioned, of total loss), shall claim indemnification for the loss of Slaves which he may have suffered, he shall in no case be entitled to claim for more than the number of Slaves which his vessel was, by the Portuguese laws, authorised to carry, which number shall always be declared in his passport.

Article X. The Mixed Commission established in London by Article IX of the Convention of this date, shall hear and determine all claims for Portuguese ships and cargoes, captured by British cruizers on account of the unlawful trading in Slaves, since the 1st of June, 1814, till the period when the Convention of this date is to be in complete execution; awarding to them, conformably to Article IX of the Additional Convention of this date, a just and complete compensation, upon the basis laid down in the preceding Articles, either for total loss, or for losses and damages sustained by the owners and proprietors of the said ships and cargoes. The said Commission established in London shall be composed and shall proceed exactly upon the basis determined in Articles I, II, and III, of the present Regulation for the Commissions established on the coast of Africa and the Brazils.

Article XI. It shall not be permitted to any of the commissary judges, nor to the arbitrators, nor to the secretary of any of the Mixed Commissions, to demand or receive, from any one of the parties concerned in the sentences which they shall pronounce, any emolument, under any

pretext whatsoever, for the performance of the duties which are imposed upon them by the present Regulation.

Article XII. When the parties interested shall imagine they have cause to complain of any evident injustice on the part of the Mixed Commissions, they may represent it to their respective Governments, who reserve to themselves the right of mutual correspondence for removing, when they think fit, the individuals who may compose these Commissions.

Article XIII. In the case of a vessel detained unjustly, under pretence of the stipulations of the Additional Convention of this date, and in which the captor should neither be authorised by the tenour of the above-mentioned Convention, nor of the Instructions annexed to it, the Government to which the detained vessel may belong shall be entitled to demand reparation; and in such case the Government to which the captor may belong binds itself to cause the subject of complaint to be fully examined, and to inflict upon the captor, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed.

Article XIV. The two High Contracting Parties have agreed, that in the event of the death of one or more of the commissary judges and arbitrators composing the above-mentioned Mixed Commissions, their posts shall be supplied, *ad interim*, in the following manner: on the part of the British Government, the vacancies shall be filled successively, in the Commission which shall sit within the possessions of His Britannic Majesty, by the governor or lieutenant-governor resident in that colony, by the principal magistrate of the place, and by the secretary; and in the Brazils, by the British Consul and Vice-Consul resident in the city in which the Mixed Commission may be established.

On the part of Portugal, the vacancies shall be supplied, in the Brazils, by such persons as the captain-general of the province shall name for that purpose; and, considering the difficulty which the Portuguese Government would feel in naming fit persons to fill the posts which might become vacant in the Commission established in the British possessions, it is agreed, that in the case of the

death of the Portuguese commissary judge, or arbitrator, in those possessions, the remaining individuals of the above-mentioned Commission shall be equally authorized to proceed to the judgment of such Slave-ships as may be brought before them, and to the execution of their sentence. In this case alone, however, the parties interested shall have the right of appealing from the sentence, if they think fit, to the Commission resident in the Brazils; and the Government to which the captor shall belong shall be bound fully to defray the indemnification which shall be due to them, if the appeal be judged in favour of the claimants; it being well understood that the ship and cargo shall remain, during this appeal, in the place of residence of the first Commission before whom they may have been conducted.

The High Contracting Parties have agreed to supply, as soon as possible, every vacancy that may arise in the above-mentioned Commissions from death or any other contingency. And in case that the vacancy of each of the Portuguese commissioners residing in the British possessions, be not supplied at the end of six months, the vessels which are taken there to be judged, after the expiration of that time, shall no longer have the right of appeal hereinbefore stipulated.

Done at London, the 28th of July, 1817.

(Signed)

CASTLEREAGH, (L.S.) CONDE DE PALMELLA, (L.S.)

Separate Article.

As soon as the total abolition of the Slave Trade, for the subjects of the Crown of Portugal, shall have taken place, the two High Contracting Parties hereby agree, by common consent, to adapt to that state of circumstances, the stipulations of the Additional Convention concluded at London, the 28th of July last; but in default of such alterations, the Additional Convention of that date shall remain in force until the expiration of fifteen years from the day on which the general abolition of the Slave Trade shall so take place, on the part of the Portuguese Government.

The present Separate Article shall have the same force and validity as if it were inserted, word for word, in the Additional Convention aforesaid. It shall be ratified, and the ratifications shall be exchanged as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have thereunto affixed the seals of their arms.

Done at London, this 11th September, 1817.

(Signed)

CASTLEREAGH, (L.S.) CONDE DE PALMELLA, (L.S.)

Declaration.

WHEREAS a Convention, having for its object the prevention of the illicit Traffic in Slaves, was concluded between His Britannic Majesty and His Most Faithful Majesty, and signed at London on the 28th of July, 1817:

And whereas by the Second Article of that Convention the Traffic in Slaves was declared still to be permitted to Portuguese subjects, only within certain territories therein described:

And whereas the territories of Molembo and Cabinda are described by that Article to be on the eastern coast of Africa; and whereas this description is evidently a verbal mistake, the said territories of Molembo and Cabinda lying in fact upon the western, and not upon the eastern coast of Africa:—

It is hereby declared, by the undersigned, that the word eastern, in that part of the Second Article above alluded to, shall be held to be annulled, and the word western to stand in its place; and the latter part of the Article in question shall accordingly be held to run thus:—

"The territories of Molembo and Cabinda, upon the western coast of Africa, from the fifth degree twelve minutes, to the eighth degree south latitude."

It was further agreed between the undersigned, that the present Declaration shall be considered as an integral part of the said Convention.

In witness and in faith of the above, the undersigned, His Britannic Majesty's Secretary of State for Foreign Affairs, and His Most Faithful Majesty's Envoy Extraor-

dinary and Minister Plenipotentiary at the Court of St. James's, have hereunto set their hands and seals, at London, this 3rd day of April, 1819.

(Signed)

CASTLEREAGH, (L.S.) CONDE DE PALMELLA, (L.S.)

ADDITIONAL ARTICLES *to the Convention between Great Britain and Portugal relative to the Slave Trade.— Lisbon, 15th March,* 1823.

HIS Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the United Kingdom of Portugal, Brazil, and Algarves, wishing to remove every obstacle to the faithful execution of the Convention signed in London, by their respective Plenipotentiaries, on the 28th July, 1817, for the purpose of preventing their subjects from engaging in any illicit Traffic in Slaves; and seeing the necessity of adding, to that intent, certain Articles to the said Convention, have, for this purpose, named their Plenipotentiaries, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, Edward Michael Ward, Esquire, his Chargé d'Affaires at the Court of Lisbon; and—

His Majesty the King of the United Kingdom of Portugal, Brazil, and Algarves, Jose Bazilio Rademaker, Chief Clerk of the Department of State for Foreign Affairs, &c.:

Who, after having exchanged their respective full powers, found to be in good and due form, have agreed upon the following Articles:—

ARTICLE I. Whereas it is stated in the 1st Article of the Instructions intended for the British and Portuguese ships of war employed to prevent the illicit Traffic in Slaves, that "ships on board of which no Slaves shall be found, intended for purposes of traffic, shall not be detained on any account or pretence whatever:" and whereas it has been found by experience, that vessels employed in the illegal traffic have put their Slaves momentarily on shore, immediately prior to their being visited by ships of war, and that such vessels have thus found means to evade for-

feiture, and have been enabled to pursue their unlawful course with impunity, contrary to the true object and spirit of the Convention of the 28th of July, 1817; the two High Contracting Parties, therefore, feel it necessary to declare, and it is hereby declared by them, that, if there shall be clear and undeniable proof that a Slave or Slaves of either sex, has or have been put on board a vessel for the purpose of illegal traffic, in the particular voyage on which the vessel be captured, then and on that account, according to the true intent and meaning of the stipulations of the above-mentioned Convention, such vessel shall be detained by the cruizers, and finally condemned by the commissioners.

Article II. Inasmuch as the Convention of the 28th of July, 1817, does not stipulate the mode of supplying the absence of the commissioners, occurring from any other cause besides that of death, which is the only case provided for by the 14th Article of the Regulation for the Mixed Commissions, annexed to the said Convention; the two High Contracting Parties have agreed that, in the event of the recal, or of the absence on account of illness, or any other unavoidable cause, of any of the commissary judges, or arbitrators; or in the case of their absence in consequence of leave from their Government, (which must be notified to the respective Commission,) their posts shall be supplied in the same form and manner as is determined for the case of death, by the above-mentioned 14th Article of the said Regulation.

These Additional Articles shall have the same force and effect as if they were inserted, word for word, in the said Convention, and shall be considered as forming a part of the same; they shall be ratified and the ratifications thereof exchanged in Lisbon, within three months, at latest, after the date of their signature.

In witness whereof the undersigned, being furnished with full powers to that effect, have signed these Articles, and affixed thereunto the seals of their arms.

Done at Lisbon, this fifteenth day of March, in the year of our Lord one thousand eight hundred and twenty-three.

(L.S.) E. M. Ward. (L.S.) Jose Bazilio Rademaker.

CHILE.

TREATY *between Her Majesty and the Republic of Chile, for the abolition of the Traffic in Slaves.—Signed at Santiago, January* 19, 1839.

[Ratifications exchanged at Santiago, August 6, 1842.]

In the Name of the Most Holy Trinity.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Excellency the President of the Republic of Chile, being mutually animated by a sincere desire to co-operate for the utter extinction of the barbarous Traffic in Slaves, have resolved to proceed to the conclusion of a Treaty for the special purpose of immediately attaining this object, and have respectively named, for this purpose, as their Plenipotentiaries, to wit:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable John Walpole, Her Britannic Majesty's Consul-General in the Republic of Chile;

And the Republic of Chile, Don Joaquin Tocornal, Minister of State for Foreign Affairs and Finance;

Who, having duly communicated to each other their respective full powers, and found them to be in proper form, have agreed upon and concluded the following Articles:—

ARTICLE I. The Slave Trade having been constitutionally abolished throughout the territories of the Chilian Republic, is hereby declared to be, henceforward, totally prohibited to all the citizens of the said Republic, in all parts of the world.

Article II. The president of the Republic of Chile especially engages, within the space of two months after the exchange of the ratifications, should the ordinary Congress then be in session, or within two months after the first subsequent ordinary meeting of the said Congress, to promulgate a law imposing the punishment attached to piracy on all Chilian citizens who shall, under any colour or pre-

text, take any part whatever in the Traffic in Slaves; and he, in like manner, engages to adopt from time to time, as may become needful, the most effectual measures for preventing the citizens of the said Republic of Chile from being concerned, and the flag of that Republic from being used, in carrying on, in any way, the Traffic in Slaves.

Article III. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the president of the Republic of Chile, hereby mutually engage, that, by an Additional Convention, hereafter to be concluded between the said High Contracting Parties to the present Treaty, they will concert and settle the details of the measures by which the law of piracy, which will become applicable to that traffic by the legislation of each of the two countries, shall be immediately and reciprocally carried into execution, with respect to the vessels and subjects or citizens of each.

Article IV. In order more completely to carry into effect the spirit of the present Treaty, the two High Contracting Parties mutually consent that those ships of their navies, respectively, which shall be provided with special Instructions for that purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations as may be suspected, upon reasonable grounds, of being engaged in the Traffic in Slaves, or of having been fitted out for the purposes thereof, or of having, during the voyage in which they are met by the said cruizers, been engaged in the Traffic in Slaves, contrary to the provisions of this Treaty; and that such cruizers may detain and send or carry away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

Article V. In order to regulate the mode of carrying the provisions of the preceding Article into execution, it is agreed:—

First. That all ships of the navies of the two nations which shall be hereafter employed to prevent the Traffic in Slaves, shall be furnished by their respective Governments with a copy, in the English and Spanish languages, of the present Treaty; of the Instructions for cruizers, annexed thereto *sub litera* A; and of the Regulations for the Mixed Courts of Justice, annexed thereto *sub litera* B; which

Annexes shall be considered as an integral part of the Treaty.

Secondly. That each of the High Contracting Parties shall, from time to time, communicate to the other, the names of the several ships furnished with such Instructions, the force of each ship, and the names of their several commanders.

Thirdly. That if at any time there shall be just cause to suspect that any merchant vessel, sailing under the flag of either nation, and proceeding under the convoy of any ship or ships of war of either of the Contracting Parties, is engaged, or is intended to be engaged, in the Traffic in Slaves, or is fitted out for the purposes thereof, or has, during the voyage on which she may be met with, been engaged in the Traffic in Slaves, it shall be lawful for the commander of any ship of the navy of either of the two High Contracting Parties, furnished with such Instructions as aforesaid, to visit such merchant vessel; and such commander shall proceed to visit the same, in communication with the commanding officer of the convoy, who, it is hereby agreed, shall give every facility to the visit, and to the eventual detention of such merchant vessel; and in all things shall assist, to the utmost of his power, in the due execution of the present Treaty, according to the true intent and meaning thereof.

Fourthly. It is further mutually agreed, that the commanders of the ships of the two navies, respectively, who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid Instructions.

Article VI. As the two preceding Articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects or citizens may incur by the arbitrary and illegal detention of their vessels; it being understood that this indemnity shall invariably be borne by the Government whose cruizer shall have been guilty of such arbitrary and illegal detention; and that the visit and detention of vessels specified in Article IV of this Treaty, shall only be effected by those British or Chilian ships which may form part of the navies (royal and national) respectively, of the two High Contracting Parties to the Treaty, and by such ships

only of those navies as shall be provided with the special Instructions annexed to the present Treaty, in pursuance of the provisions thereof.

The compensation for damages, of which this Article treats, shall be made within the term of one year, reckoned from the day on which the Mixed Court of Justice pronounces sentence on the vessel, for the detention of which such compensation is claimed.

Article VII. In order to bring to adjudication with as little delay and inconvenience as possible, the vessels which may be detained according to the tenor of Article IV of this Treaty, there shall be established, within the space of a year at furthest from the exchange of the ratifications of the present Treaty, two Mixed Courts of Justice, formed of an equal number of individuals of the two nations, named for this purpose by the two High Contracting Parties respectively.

These Courts shall reside, one in a possession belonging to Her Britannic Majesty, the other within the territories of the Republic of Chile; and the two Governments, at the period of the exchange of the ratifications of the present Treaty, shall declare, each for its own territories, in what places the Courts shall respectively reside; each of the two High Contracting Parties reserving to itself the right of changing, at its pleasure, the place of residence of the Court held within its own territories; provided however, that one of the two Courts shall always be held upon the coast of Africa, and the other in one of the possessions of the Republic of Chile.

These Courts shall judge the causes submitted to them, according to the provisions of the present Treaty, without appeal, and according to the Regulations and Instructions which are annexed to the present Treaty, and which are considered as forming an integral part thereof.

Article VIII. If the commanding officer of any of the ships of the navies of Great Britain and of Chile, respectively, duly commissioned according to the provisions of Article IV of this Treaty, shall deviate, in any respect, from the stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby, shall be entitled to

demand reparation; and, in such case, the Government to which such commanding officer may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may have committed.

Article IX. It is hereby further mutually agreed, that every merchant vessel, British or Chilian, which shall be visited by virtue of the present Treaty, may lawfully be detained, and be sent or brought before the Mixed Courts of Justice established in pursuance of the provisions thereof, if in her equipment there shall be found any of the things hereinafter mentioned, namely:—

First. Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

Secondly. Divisions or bulkheads in the hold or on deck, in a greater number than are necessary for vessels engaged in lawful trade.

Thirdly. Spare plank, fitted for being laid down as a second, or slave-deck.

Fourthly. Shackles, bolts, or handcuffs.

Fifthly. A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of the vessel, as a merchant vessel.

Sixthly. An extraordinary number of water-casks, or of other vessels for holding liquid; unless the master shall produce a certificate from the custom-house at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such merchant vessel, that such extra quantity of casks or of other vessels, should only be used for the reception of palm oil, or for other purposes of lawful commerce.

Seventhly. A greater quantity of mess-tubs, or kids, than are requisite for the use of the crew of the vessel, as a merchant vessel.

Eighthly. A boiler of an unusual size, and larger, or fitted for being made larger, than requisite for the use of the crew of the vessel, as a merchant vessel; or more than one boiler of the ordinary size.

Ninthly. An extraordinary quantity either of rice, of the flour of Brazil, manioc or cassada, commonly called

farinha; of maize or Indian corn, or of any other article of food whatever, beyond what might probably be required for the use of the crew; such rice, flour, maize, Indian corn, or other article of food, not being entered on the manifest as part of the cargo for trade.

Tenthly. A quantity of mats or matting, greater than is necessary for the use of the crew of the vessel, as a merchant vessel.

Any one or more of these several things, if proved, shall be considered as *primâ facie* evidence of the actual employment of the vessel in the Slave Trade; and the vessel shall thereupon be condemned and be declared lawful prize, unless clear and incontestible evidence on the part of the master or owners shall establish, to the satisfaction of the Court, that such vessel was, at the time of her detention or capture, employed in some legal pursuit, and that such of the several things above enumerated, as were found on board her at the time of her detention, or had been put on board on the voyage on which the vessel, when captured, was proceeding, were needed for legal purposes on that particular voyage.

Article X. If any of the things specified in the preceding Article shall be found in any merchant vessel, no compensation for losses, damages, or expenses consequent upon the detention of such vessel, shall in any case be granted, either to her master or to her owner, or to any other person interested in her equipment or lading, even though the Mixed Court of Justice should not pronounce any sentence of condemnation in consequence of her detention; the intention of the two High Contracting Parties, in agreeing to this stipulation, being to discourage, by all the means at their disposal, the embarkation of stores of the class enumerated in the foregoing Article, under any pretext, or for whatever purpose they may be intended, and which, though discovered on board of a vessel not actually engaged, or to be employed, in the Traffic in Slaves, may be surreptitiously converted to the furtherance of the iniquitous designs of those who are, or may hereafter be so, in contravention of the provisions of this Treaty.

Article XI. It is hereby agreed between the two High Contracting Parties, that in all cases in which a vessel

ıall be detained, under this Treaty, by their respective ıuizers, as having been engaged in the Slave Trade, or as ıving been fitted out for the purposes thereof, and shall ɔnsequently be adjudged and condemned by the Mixed ourts of Justice to be established as aforesaid, the said ssel shall, immediately after its condemnation, be broken p entirely, and shall be sold in separate parts, after having ɛen so broken up.

Article XII. The Negroes who are found on board of a ɛssel detained by a cruizer, and condemned by the Mixed ourts of Justice, in conformity with the stipulations of ɔis Treaty, shall be placed at the disposition of the Goernment whose cruizer has made the capture, on the disnct understanding that they shall be immediately set at berty and kept free; the Government to which they have ɛen delivered guaranteeing the same, and likewise enaging to afford from time to time, and whenever deıanded by the other High Contracting Party, the fullest ıformation as to the state and condition of such Negroes, ıith a view of ensuring the due execution of the Treaty in his respect.

For this purpose, the Regulations annexed to this reaty, *sub literâ* C, as to the treatment of Negroes liberted by sentence of the Mixed Courts of Justice, have ɛen drawn up, and are declared to form an integral part f this Treaty. The two High Contracting Parties reserve ɔ themselves the right to alter or suspend, by common onsent and mutual agreement, but not otherwise, the ɛrms and tenor of such Regulations.

Article XIII. The Acts or Instruments annexed to this reaty, and which it is mutually agreed shall form an ıtegral part thereof, are as follows:

A. Instructions for the ships of the navies of both ıations, destined to prevent the Traffic in Slaves.

B. Regulations for the Mixed Courts of Justice which re to hold their sittings on the coast of Africa, and in one ıf the possessions of the Republic of Chile.

C. Regulations as to the treatment of liberated Negroes.

Article XIV. The present Treaty, consisting of fourɛen Articles, shall be ratified, and the ratifications thereof

exchanged at Santiago, as soon as possible within the space of twelve months from this date.

In witness whereof, the respective Plenipotentiaries have signed, in triplicate originals, English and Spanish, the present Treaty, and have thereunto affixed the seal of their arms.

Done at Santiago de Chile, this nineteenth day of January, in the year of our Lord one thousand eight hundred and thirty-nine.

(L.S.) JOHN WALPOLE.
(L.S.) JOAQUIN TOCORNAL.

ANNEX A, *to the Treaty between Great Britain and the Republic of Chile, for the abolition of the Traffic in Slaves.*

Instructions for the Ships of the British and Chilian Navies, employed to prevent the Traffic in Slaves.

ARTICLE I. The commander of any ship belonging to the navy of Her Britannic Majesty, or of the Republic of Chile, which shall be furnished with these Instructions, shall have a right to visit, search, and detain, any British or Chilian merchant vessel, which shall be actually engaged, or which shall be suspected to be engaged, in the Slave Trade, or to be fitted out for the purposes thereof, or to have been engaged in the Traffic in Slaves during the voyage in which she may be met with by such ship of the British or Chilian navy; and such commander shall thereupon bring or send such merchant vessel, as soon as possible, for judgment before that one of the two Mixed Courts of Justice established in virtue of Article VII of the said Treaty, which shall be the nearest to the place of detention, or which such commander shall, upon his own responsibility, think can be soonest reached from such place.

Article II. Whenever a ship of either of the said navies, duly authorized as aforesaid, shall meet a merchant-

man liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of lieutenant in the navy of Great Britain or Chile, respectively, (unless the command shall, by reason of death, or otherwise, be held by an officer of inferior rank,) or by the officer who, at the time, shall be second in command of the ship by which such search is made.

Article III. The commander of any ship of the two navies, duly authorized as aforesaid, who may detain any merchant vessel in pursuance of the tenor of the present Instructions, shall leave on board the vessel so detained, the master, the mate, or boatswain, and two or three, at least, of the crew thereof; the whole of the Slaves, if any; and all the cargo.

The captor shall, at the time of detention, draw up, in writing, an authentic declaration, which shall exhibit the state in which he found the detained vessel; such declaration to be signed by himself, and to be given in or sent, together with the captured vessel, to the Mixed Court of Justice before which such vessel shall be carried or sent for adjudication.

He shall deliver to the master of the detained vessel, a certified list of the papers seized on board the same, as well as of the number of Slaves found on board at the moment of detention.

In the authenticated declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, he shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have taken place, and the number of Slaves found on board the vessel at the time of the detention.

The officer in charge of the vessel detained, shall, at the time of his bringing the vessel's papers into the Mixed Court of Justice, deliver in to the Court a paper, signed by himself, and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the Slaves,

(if any,) and her cargo, between the period of her detention, and the time of delivering in such paper.

Article IV. The Slaves shall not be disembarked till after the vessel which contains them shall have arrived at the place of adjudication; in order that, in the event of the vessel not being adjudged legal prize, the loss of the proprietors may be more easily repaired; and even after the Slaves have arrived at such place, they are not to be landed without the permission of the Mixed Court of Justice.

But if urgent reasons, deduced from the length of the voyage, from the state of health of the Slaves, or from other causes, should require that either the whole or a portion of the Negroes should be disembarked before the vessel can arrive at the place at which one of the said Courts is established, the commander of the capturing ship may take upon himself the responsibility of so disembarking the Negroes, provided that such necessity, and the causes thereof, be stated in a certificate in proper form, and that this certificate be entered at the time, on the log-book of the detained vessel.

The undersigned Plenipotentiaries have agreed, in conformity with Article XIII of the Treaty signed by them on this day, the nineteenth of January, 1839, that the preceding Instructions, consisting of four Articles, shall be annexed to the said Treaty, and be considered as an integral part thereof.

The nineteenth day of January, one thousand eight hundred and thirty-nine.

(L.S.) JOHN WALPOLE.
(L.S.) JOAQUIN TOCORNAL.

ANNEX B, *to the Treaty between Great Britain and the Republic of Chile, for the abolition of the Traffic in Slaves.*

Regulations for the Mixed Courts of Justice which are to reside on the Coast of Africa, and in the Possessions of the Republic of Chile.

ARTICLE I. The Mixed Courts of Justice to be established under the provisions of the Treaty, of which these Regulations are declared to be an integral part, shall be composed in the following manner. Each of the two High Contracting Parties shall name a judge and an arbitrator, who shall be authorized to hear, and to decide without appeal, all cases of the capture or detention of vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them. The judges and the arbitrators shall, before entering upon the duties of their office, respectively make oath before the principal magistrate of the places in which such Courts respectively shall reside, that they will judge fairly and faithfully; that they will have no preference, either for the claimants or the captors; and that they will act, in all their decisions, in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such Courts a secretary or registrar, who shall be appointed by the Government of the country within the territories of which such Court shall reside. Such secretary or registrar shall register all the acts of such Court, and shall, before he enters upon his office, make oath before the Court to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the secretary or registrar of the Court to be established on the coast of Africa, shall be paid by Her Britannic Majesty; and that of the secretary or registrar of the Court to be established in the possessions of the Republic of Chile, shall be paid by the Government of that Republic.

Each of the Governments shall defray half of the

aggregate amount of the incidental expenses of such Courts.

Article II. The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, Slaves, and cargo, and with the execution of the sentence; and all disbursements occasioned by bringing a vessel to adjudication, shall, in case of condemnation, be defrayed from the funds arising from the sale of the materials of the broken-up vessel, of the ship's stores, and of such parts of the cargo as shall consist of merchandize; and, in case the proceeds arising from this sale should not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor, excepting in the cases specified and otherwise provided for under Article X of the Treaty to which these Regulations form an Annex, and under Article VII of these Regulations.

Article III. The Mixed Courts of Justice are to decide upon the legality of the detention of such vessels as the cruizers of either nation shall, in pursuance of the said Treaty, detain.

The Courts shall judge definitively and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these Courts shall take place with as little delay as possible; and, for this purpose, the Courts are required to decide each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessel shall have been brought into the port where the deciding Court shall reside.

The final sentence shall not, in any case, be delayed beyond the period of two months, either on account of the absence of witnesses, or for any other cause; except upon the application of any of the parties interested; in which case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and

risks of the delay, the Courts may, at their discretion, grant an additional delay, not exceeding four months. Either party shall be allowed to employ such counsel as he may think fit, to assist him in the conduct of his cause.

All the essential parts of the proceedings of the said Courts shall be written down in the language of the country in which the Courts shall respectively reside.

Article IV. The form of the process shall be as follows:—

The judges appointed by the two nations, respectively, shall, in the first place, proceed to examine the papers of the detained vessel, and to take the depositions of the master or commander, and of two or three, at least, of the principal individuals on board such vessel; as well as the declaration, on oath, of the captor, should such declaration appear necessary, to enable them to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid Treaty; so that, according to the judgment pronounced, the vessel may be condemned or released.

In the event of the two judges not agreeing as to the sentence which they ought to pronounce in any case brought before them, either with respect to the legality of the detention, the liability of the vessel to condemnation, or the compensation to be allowed, or as to any other question which may arise out of the said capture; or if any difference of opinion should arise between them as to the mode of proceeding in the said Court, they shall draw by lot the name of one of the two arbitrators appointed as aforesaid; which arbitrator, after having considered the proceedings which have taken place, shall consult with the two above-mentioned judges, and the final sentence or decision shall be pronounced conformably to the opinion of the majority of the three.

Article V. If the detained vessel shall be restored by the sentence of the Court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same Court, claim to have a valuation made, in order to ascertain the amount of the damages to which he shall be

entitled. The captor himself, and, in his default, his Government, shall remain responsible for the damages which may definitively be pronounced to be due to the master of such vessel, or to the owners of the vessel, or of her cargo.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the above-named Court; it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject or citizen.

Article VI. If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be, with the exception of the Slaves who shall have been brought on board for the purposes of commerce; and the said vessel, in conformity with the regulations in Article XI of the Treaty of this date, shall, as well as her cargo, be sold by public sale for the profit of the two Governments, subject to the payment of the expenses hereinbefore mentioned.

The Slaves shall receive from the Court a certificate of emancipation; and shall be delivered over to the Government to whom belongs the cruizer which made the capture, to be dealt with according to the regulations and conditions contained in the Annex to this Treaty *sub literâ* C.

The charges incurred for the support and for the return voyage of the commanders and crews of condemned vessels, shall be defrayed by the Government of which such commanders and crews are the subjects or citizens.

Article VII. The Mixed Courts of Justice shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed, (save as mentioned in Article X of the Treaty to which these Regulations form an Annex, and in a subsequent part of these Regulations,) the Court shall award to the claimant or claimants, or to his or their lawful attorney

or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention; that is to say:—

First. In case of total loss, the claimant or claimants shall be indemnified,—

A. For the ship, her tackle, equipment, and stores.

B. For all freights due and payable.

C. For the value of the cargo of merchandize, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.

D. For all other regular charges in such case of total loss.

Secondly. In all other cases not of total loss, save as hereinafter mentioned, the claimant or claimants shall be indemnified,—

A. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable.

B. For demurrage, according to the schedule annexed to the present Article.

C. For any deterioration of the cargo.

D. For all premium of insurance on additional risks.

Further, the claimant or claimants shall be entitled to interest, at the rate of five per cent. per annum, on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs; the whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be paid at the rate of exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the judges of the two nations, and without recourse to the decision of an arbitrator, that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel in that case shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present Article, nor any other compensation for losses, damages, or expenses consequent upon such detention.

Schedule of demurrage or daily allowance for a vessel of

100 tons	to	120	inclusive	£5	per diem.
121 . .		150	. .	6	
151 . .		170	. .	8	
171 . .		200	. .	10	
201 . .		220	. .	11	
221 . .		250	. .	12	
251 . .		270	. .	14	
271 . .		300	. .	15	

and so in proportion.

Article VIII. Neither the judges, nor the arbitrators, nor the secretaries of the Mixed Courts of Justice, shall demand or receive from any of the parties concerned in the cases which shall be brought before such Courts, any emolument or gift, under any pretext whatsoever, for the performance of the duties which such judges, arbitrators, and secretaries have to perform.

Article IX. The two High Contracting Parties have agreed, that in the event of the death, sickness, absence on leave, or other legal impediment, of one or more of the judges or arbitrators composing the above-mentioned Courts respectively, the post of such judge or of such arbitrator shall be supplied, *ad interim*, in the following manner:—

First. On the part of Her Britannic Majesty, and in that Court which shall sit within the possessions of Her said Majesty,—if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or if the vacancy be originally that of the British arbitrator, the place of such arbitrator shall be filled, successively, by the governor or lieutenant-governor resident in such possession, by the principal magistrate of the same, and by the secretary of the Government; and the said Court, so constituted as above, shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

Secondly. On the part of Great Britain, and in that Court which shall sit within the possessions of the Republic of Chile,—if the vacancy be that of the British judge,

his place shall be filled by the British arbitrator; and either in that case, or if the vacancy be originally that of the British arbitrator, the place of British arbitrator shall be filled successively by the British Consul and British Vice-Consul, if there be a British Consul or British Vice-Consul appointed to, and resident in, such possession; and if the vacancy be both of the British judge and of the British arbitrator, then the vacancy of the British judge shall be filled by the British Consul, and that of the British arbitrator by the British Vice-Consul, if there be a British Consul and a British Vice-Consul appointed to, and resident in, such possession; and if there shall be no British Consul or British Vice-Consul to fill the place of British arbitrator, then the Chilian arbitrator shall be called in, in those cases in which a British arbitrator, if there were any, would be called in; and in case the vacancy be both of the British judge and British arbitrator, and there be neither British Consul nor British Vice-Consul to fill, *ad interim*, the vacancies, then the Chilian judge and the Chilian arbitrator shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

Thirdly. On the part of the Republic of Chile, and in that Court which shall sit within the territories of the said Republic,—if the vacancy be that of the Chilian judge, his place shall be filled by the Chilian arbitrator; and either in that case, or if the vacancy be originally that of the Chilian arbitrator, the place of such Chilian arbitrator shall be filled by the intendant governor of the province in which the said Tribunal may reside, or by the military governor of Valparaiso, if the Tribunal should reside in Valparaiso; and the said Court, so constituted as above, shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

Fourthly. On the part of Chile, and in that Court which shall sit within the possessions of Her Britannic Majesty, —if the vacancy be that of the Chilian judge, his place shall be filled by the Chilian arbitrator; and either in that case, or if the vacancy be originally that of the Chilian arbitrator, the place of Chilian arbitrator shall be filled

successively by the Chilian Consul and Chilian Vice-Consul, if there be a Chilian Consul or Vice-Consul appointed to, and resident in, such possession; and if the vacancy be both of the Chilian judge and of the Chilian arbitrator, then the vacancy of the Chilian judge shall be filled by the Chilian Consul, and that of the Chilian arbitrator by the Chilian Vice-Consul, if there be a Chilian Consul and a Chilian Vice-Consul appointed to, and resident in, such possession; and in the case in which there be no Chilian Consul or Vice-Consul to fill the place of Chilian arbitrator, then the British arbitrator shall be called in those cases in which a Chilian arbitrator would be called in; and in case the vacancy be both of the Chilian judge and Chilian arbitrator, and there be neither Chilian Consul nor Chilian Vice-Consul to fill, *ad interim*, the vacancies, then the British judge and British arbitrator shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

The highest civil authority of the settlement wherein either of the Mixed Courts of Justice shall sit, shall, in the event of a vacancy arising either of the judge or the arbitrator of the other High Contracting Party, forthwith give notice of the same to the highest civil authority of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period; and each of the High Contracting Parties agrees to supply definitively, as soon as possible, the vacancies which may arise in the above-mentioned Courts from death, or from any other cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with Article XIII of the Treaty signed by them on this day, the nineteenth of January, 1839, that the preceding Regulations, consisting of nine Articles, shall be annexed to the said Treaty, and considered as an integral part thereof.

The nineteenth day of January, one thousand eight hundred and thirty-nine.

(L.S.) JOHN WALPOLE.
(L.S.) JOAQUIN TOCORNAL.

ANNEX C, *to the Treaty between Great Britain and the Republic of Chile, for the abolition of the Traffic in Slaves.*

Regulations for the good treatment of liberated Negroes.

ARTICLE I. The object and spirit of these Regulations is to secure to Negroes liberated by virtue of the stipulations of the Treaty to which these Regulations form an Annex, (marked C.) permanent good treatment, and full and complete freedom, in conformity with the humane intentions of the High Contracting Parties.

Article II. Immediately after sentence of condemnation shall have been passed by a Mixed Court of Justice established under the Treaty to which these Regulations form an Annex, on a vessel charged with being concerned in illegal Slave Trade, all Negroes who were on board such vessel, and who were brought on board for the purpose of traffic, shall be delivered over to the Government to whom belongs the cruizer which made the capture.

Article III. If the cruizer which made the capture is British, the British Government engages that the Negroes shall be treated in exact conformity with the laws in force in the British colonies, for the regulation of free or of emancipated Negroes.

Article IV. If the cruizer which made the capture is Chilian, then the Negroes shall be delivered over to the Chilian authorities of that place in the dominions of Chile, in which the Mixed Court of Justice is established; and the Chilian Government solemnly engages, that such Negroes shall there be treated strictly according to the regulations actually in force in Chile with respect to free Negroes; or, according to such regulations as may in future be established in Chile in this respect, and which regulations shall always have in view the humane object of securing honestly and faithfully to emancipated Negroes, the unmolested enjoyment of their liberty, good treatment, a knowledge of the tenets of the Christian

religion, advancement in morality and civilization, and sufficient instruction in the mechanical arts; in order that the said emancipated Negroes may be enabled to earn their own subsistence, whether as artizans, mechanics, or servants.

Article V. For the purpose which is explained in Article VI, there shall be kept in the office of the governor of the part of the possessions of the Republic of Chile where the Mixed Court of Justice resides, a register of all emancipated Negroes, in which shall be entered, with scrupulous exactness, the names given to the Negroes, the names of the vessels in which they were captured, the names of the persons to whose care they have been committed, and any other circumstances likely to contribute to the end in view.

Article VI. The register to which the preceding Article refers, will serve to form a general return, which the governor of that part of the possessions of the Republic of Chile where the Mixed Court of Justice resides, shall be bound to deliver, every six months, to the aforesaid Mixed Commission, in order to show the existence of the Negroes emancipated under this Treaty, the improvement made in their condition, and the progress made in their religious and moral instruction, and in the arts of life. The aforesaid return shall also specify the names and descriptions of such of the emancipated Negroes as shall have died during the period for which the return is made up.

Article VII. The High Contracting Parties agree, that if in future it should appear necessary to adopt new measures, in consequence of those laid down in this Annex turning out inefficacious, the said High Contracting Parties will consult together, and will agree upon other means better adapted for the complete attainment of the objects proposed.

Article VIII. The undersigned Plenipotentiaries have agreed, in conformity with Article XIV of the Treaty signed by them on this day, the nineteenth of January, 1839, that this Annex, consisting of eight Articles, shall be united to the said Treaty, and be considered an integral part thereof.

The nineteenth day of January, one thousand eight hundred and thirty-nine.

(L.S.) JOHN WALPOLE.
(L.S.) JOAQUIN TOCORNAL.

Articles Additional to the Treaty concluded this nineteenth day of January, 1839, between Her Britannic Majesty and the Republic of Chile, for the suppression of the Slave Trade.

ARTICLE I. It is agreed and understood, that if there should be any delay in appointing the judge and the arbitrator to be nominated on the part of the Republic of Chile, to act in each of the Mixed Courts of Justice to be established under this Treaty; or if those officers, after being appointed, should at any time be absent; then and in either of such cases, the judge and arbitrator appointed on the part of Her Britannic Majesty, and present in the said Courts, shall, in the absence of the Chilian judge and arbitrator, proceed to open the said Courts, and to adjudge such cases as may be brought before them under the Treaty; and the sentence pronounced upon such cases by the said British judge and arbitrator, shall have the same force and validity as if the judge and the arbitrator on the part of Chile had been appointed, and had been present and acting in the Mixed Courts in the cases in question.

Article II. It is also agreed, notwithstanding the provisions of the First Article of the Annex B, that so long as no Chilian judge and arbitrator are nominated, it will be unnecessary for the Republic of Chile to nominate the secretary or actuary mentioned in the said Article; that in the meanwhile the secretary or actuary of the Court which may exist within the territory of the Republic of Chile, shall be named and paid by the Government of Her Britannic Majesty; and that the entire expense of both the Courts to be established under this Treaty shall be borne by the Government of Her Britannic Majesty.

The present Additional Articles shall form an integral part of the Treaty for the suppression of Slave Trade,

signed this day; and shall have the same force and validity as if they were inserted, word for word, in that Treaty, and shall be ratified within twelve months, or sooner if possible.

Done at Santiago de Chile, this nineteenth day of January, in the year of our Lord one thousand eight hundred and thirty-nine.

(L.S.) JOHN WALPOLE.
(L.S.) JOAQUIN TOCORNAL.

En el Nombre de la Santisima Trinidad.

EL Presidente de la República de Chile, y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, hallándose mutuamente animados de un sincero deseo de cooperar á la completa extincion del bárbaro Tráfico de Esclavos, han resuelto proceder al ajuste de un Tratado con la mira especial de obtener inmediatamente este objeto, y al efecto han nombrado respectivamente por sus Plenipotenciarios, á saber:—

La República de Chile, á Don Joaquin Tocornal, Ministro de Estado y del Despacho de Relaciones Exteriores y de Hacienda;

Y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, al Honorable Señor Juan Walpole, Consul-Jeneral de Su Majestad Británica en la República de Chile;

Quienes, habiéndose comunicado mutuamente sus respectivos plenos poderes, y hallándolos en buena y debida forma, han acordado y concluido los Artículos siguientes:—

Artículo I. Habiéndose abolido por la Constitucion Chilena la Esclavitud en todos los territorios de la República de Chile, se declara formalmente de ahora para siempre, que el Comercio de Esclavos es totalmente prohibido á todos los ciudadanos Chilenos, en todas las partes del mundo.

Artículo II. El Presidente de la República de Chile se obliga especialmente á promulgar en el territorio de esta,

dos meses despues del canje de las ratificaciones, si el Congreso ordinario estuviere entonces reunido, ó dos meses despues de la subsiguiente reunion ordinaria del Congreso, una lei que imponga la pena de pirateria á todo ciudadano Chileno que tome parte alguna, bajo cualquier color ó pretexto, en el Comercio de Esclavos; y se obliga asi mismo á adoptar de tiempo en tiempo, segun la necesidad lo requiera, las mas eficaces medidas para impedir que los ciudadanos de la República se interesen, ó su pabellon se emplee, de modo alguno en el expresado comercio.

Artículo III. El Presidente de la República de Chile, y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, se obligan mutuamente á concertar y establecer, por medio de una Convencion que se añadirá al presente Tratado, y mas adelante se ajustará entre las dichas Altas Partes Contratantes, los pormenores de las medidas conducentes á que la lei de pirateria, que se hará entonces aplicable á dicho tráfico segun la legislacion de cada uno de los dos paises, sea inmediata y reciprocamente puesta en ejecucion, con respecto á los buques y á los ciudadanos ó súbditos de cada una.

Artículo IV. Y con el fin de llevar mas cumplidamente á efecto el espiritu del presente Tratado, las dos Altas Partes Contratantes se convienen en que los buques de sus respectivas armadas á los que se proveerá de Instrucciones especiales para este objeto, segun se expresará mas adelante, podrán visitar las embarcaciones mercantes de las dos naciones que con racionales fundamentos induzcan sospecha de que se ocupan en el Tráfico de Esclavos, ó de que han sido equipadas con este intento, ó de que, durante el viaje en que se encuentren con los mencionados cruceros, se han empleado en el Tráfico de Esclavos, contraviniendo á lo que en el presente Tratado se estipula; y convienen tambien ambas Partes Contratantes en que los referidos cruceros podrán detener dichas embarcaciones, y enviarlas ó conducirlas para ser juzgadas del modo que mas abajo se dispone.

Artículo V. Para arreglar el modo de llevar á efecto las provisiones del Artículo precedente, queda convenido:—

1°. Que á todos los buques de las armadas de las dos naciones que se emplearen en impedir el Tráfico de Escla-

vos, se les suministrará por sus respectivos Gobiernos, en lengua Española é Inglesa, una copia del presente Tratado, de las Instrucciones para los cruceros á el anexas, y señaladas con la letra A, y del Reglamento que ha de servir de guia á los Tribunales Mixtos de Justicia, y que tambien se agrega bajo la letra B; debiendo ambos documentos considerarse como parte integrante del Tratado.

2°. Que las dos Altas Partes Contratantes comunicarán de tiempo en tiempo, la una á la otra, los nombres de los varios buques provistos con las Instrucciones susodichas, la fuerza de cada buque, y los nombres de sus respectivos comandantes.

3°. Que siempre que hubiere fundado motivo de sospechar que alguna embarcacion mercante de las que llevan la bandera y navegan bajo la escolta ó convoi de un buque ó buques de guerra de cualquiera de las Partes Contratantes, se ocupa, ó se tiene intencion de ocuparla, en el Tráfico de Esclavos, ó está equipada al efecto, ó durante el viaje en que se la encontrare se ha ocupado en dicho tráfico, será licito al comandante de cualquier buque de la armada de una ú otra de las dos Partes Contratantes, estando provisto de las sobredichas Instrucciones, visitar la embarcacion mercante; y el referido comandante procederá á ejecutarlo, entendiendose con el comandante del convoi, el cual (como aqui se estipula expresamente) facilitará esta visita y la detencion (si hubiere lugar á ella) de la sobredicha embarcacion mercante, y auxiliará en todo cuanto le fuere posible la puntual ejecucion del presente Tratado, segun su verdadero sentido y espiritu.

4°. Tambien queda mutuamente concertado, que los comandantes de los respectivos buques de guerra de ambas Potencias, que se emplearen en éste servicio, se atendrán estrictamente al exacto tenor de las referidas Instrucciones.

Artículo VI. Como los dos Artículos que preceden son enteramente reciprocos, las dos Altas Partes Contratantes se obligan mutuamente á abonar las pérdidas que sus respectivos ciudadanos ó súbditos experimenten por la arbitraria é ilegal detencion de sus embarcaciones; en la intelijencia de que la indemnizacion será invariablemente satisfecha por el Gobierno cuyo crucero haya incurrido en dicha arbitraria é ilegal detencion; y que la visita y deten-

cion de embarcaciones, de que se hace mencion en el Artículo IV de este Tratado, solo podrán efectuarse por los buques Chilenos é Ingleses que formen parte de las respectivas armadas, real y nacional, de las dos Altas Partes Contratantes, y que ademas se hallen provistos de las Instrucciones especiales anexas á éste Tratado, con arreglo á lo que en el se estipula.

La indemnizacion de perjuicios de que trata este Artículo, se hará en el término de un año, contado desde el dia en que el respectivo Tribunal Mixto pronunciare sentencia sobre la embarcacion, por cuya captura se reclama la indemnizacion.

Artículo VII. Para proceder con el menor retardo y perjuicio posible á la adjudicacion de las embarcaciones que sean detenidas con arreglo al tenor del Artículo IV de este Tratado, se establecerán en el espacio de un año, á mas tardar, contado desde el canje de las ratificaciones, dos Tribunales Mixtos de Justicia, formados de un número igual de individuos de las dos naciones, nombrados á este fin por los respectivos Gobiernos de las dos Altas Partes Contratantes.

Estos Tribunales residirán, el uno en el territorio de la República de Chile, y el otro en una posesion perteneciente á Su Majestad Británica; y los dos Gobiernos, al tiempo del canje de las ratificaciones del presente Tratado, declararán en que paraje de sus respectivos territorios han de residir estos Tribunales; bien entendido que cada una de las dos Altas Partes Contratantes se reserva el derecho de variar á su arbitrio, el lugar de la residencia del Tribunal que esté en ejercicio en su territorio; pero con la precisa condicion de que uno de los dos Tribunales residirá en algun punto de las posesiones de la República de Chile, y el otro en la costa de Africa.

Estos Tribunales juzgarán las causas que se les sometan con arreglo á las estipulaciones del presente Tratado; y sus sentencias serán sin apelacion, y de conformidad con los Reglamentos é Instrucciones anexas á él, que se consideran como parte integrante del mismo.

Artículo VIII. Si el oficial comandante de cualquiera de los buques de las respectivas armadas Chilena y Británica, comisionado en debida forma segun lo que en el

Artículo IV de este Tratado se ha provisto, se desviare un alguna manera de las estipulaciones del mismo, ó de las Instrucciones á él anexas, el Gobierno que por ello se juzgue agraviado, tendrá derecho á pedir una reparacion; y en tal caso, el Gobierno á que dicho oficial comandante pertenezca, se obliga á mandar hacer indagacion del hecho que motive la queja, y á imponer al mencionado oficial una pena proporcionada á la transgresion voluntaria que hubiere cometido.

Artículo IX. Queda ademas mutuamente convenido, que toda embarcacion mercante Chilena ó Británica que sea visitada en virtud del presente Tratado, pueda ser legalmente detenida, y enviada ó conducida ante los Tribunales Mixtos de Justicia establecidos con arreglo á lo que en él se ha provisto, siempre que en su equipo se encuentren algunos de los enseres siguientes:—

1°. Escotillas con redes abiertas, en lugar de las escotillas cerradas que se usan en las embarcaciones mercantes.

2°. Separaciones ó divisiones en la bodega ó sobre cubierta, en mayor número que el necesario para los buques destinados á un trafico legal.

3°. Tablones de repuesto, preparados para formar una segunda cubierta, ó entre-puente de esclavos.

4°. Cadenas, grillos, y manillas.

5°. Una cantidad de agua en vasijas ó cubas, mayor que la necesaria para el consumo de la tripulacion de la nave, en su calidad de nave mercante.

6°. Un número extraordinario de barriles, ó de otra clase de vasijeria para contener liquidos; á menos que el capitan exhiba un certificado de la aduana del paraje de su procedencia, en que conste haberse dado por los propietarios de dicha embarcacion mercante, suficientes seguridades de que esta superabundante cantidad de barriles ó vasijas se emplearia tan solamente en el transporte de aceite de palma, ó de otros objetos de licito comercio.

7°. Una cantidad de calderas ó vasijas de rancho, mayor de la que se requiere para el uso de la tripulacion de la nave, en su calidad de nave mercante.

8°. Una caldera de un tamaño extraordinario, y cuya magnitud sea, ó pueda por su construccion hacerse, mayor de lo que se requiere para el uso de la tripulacion de la

nave, como nave mercante; ó mas de una caldera de tamaño ordinario.

9°. Una cantidad extraordinaria de arroz, ó de harina del Brasil, manioco ó casabe, vulgarmente llamado farina; ó de maiz, ó de cualquier otro comestible, de manera que exceda á la que probablemente seria necesaria para el uso de la tripulacion; siempre que dicho arroz, harina, maiz, ú otro comestible, no se designe en el manifiesto como parte del cargamento en que se comercia.

10°. Una cantidad de petates ó esteras, mayor que la necesaria para el uso de la tripulacion de la nave, como nave mercante.

Verificándose alguna ó algunas de estas cosas, se considerarán como pruebas *primâ facie* de que la embarcacion se ocupa actualmente en el Comercio de Negros; y la embarcacion en esta virtud será condenada y declarada buena presa, á menos que el capitan ó los dueños de ella prueben de un modo claro é incontestable, á satisfaccion del Tribunal, que la embarcacion, al tiempo de su detencion ó captura, se hallaba empleada en alguna especulacion legal: y que aquellos de los artículos arriba enumerados, que se hubiesen encontrado en ella al tiempo de la detencion, ó que hubiesen sido puestos á su bordo en el viaje que dicha embarcacion hacia cuando fué detenida, se necesitaban para objetos legales en aquel particular viaje.

Artículo X. Si alguno de los objetos especificados en el Artículo anterior se hallare á bordo de alguna embarcacion mercante, ni el capitan, ni el propietario, ni otra persona alguna interesada en el equipo ó cargamento de la embarcacion, tendrá derecho á reclamar indemnizacion de daños, perjuicios, ó gastos, aun cuando el Tribunal Mixto no haya pronunciado sentencia de condenacion en la causa: siendo la intencion de las dos Altas Partes Contratantes, al acordar esta estipulacion, desfavorecer, por todos los medios que estan á su alcance, el embarque de efectos de las clases enumeradas en el precedente Artículo, bajo cualquier pretesto, y con cualquier fin que se haga; los cuales, aun en el caso de hallarse abordo de una embarcacion que no se ocupe actualmente, ó no se piense ocupar, en el Tráfico de Esclavos, pueden surrepticiamente emplearse en los

inicuos objetos de los que hacen dicho tráfico, en contravencion á las provisiones del presente Tratado.

Artículo XI. Las dos Altas Partes Contratantes han convenido en que, siempre que en virtud de este Tratado, se detenga un buque por sus respectivos cruceros, bien por haberse empleado en el Tráfico de Esclavos, ó bien por hallarse equipado para dicho objeto, y en consecuencia sea juzgado y condenado por los Tribunales Mixtos de Justicia que han de establecerse segun lo arriba dicho, el tal buque sera hecho pedazos inmediatamente despues de condenado, y se procederá á su venta por trozos separados.

Artículo XII. Los Negros que se encontraren á bordo de una embarcacion detenida por un crucero, y condenada por uno de los Tribunales Mixtos de Justicia, de conformidad con las estipulaciones del presente Tratado, se pondrán á disposicion del Gobierno cuyo crucero haya hecho la presa, en la expresa intelijencia de que serán inmediatamente restituidos á la libertad, y mantenidos en el goce de ella; comprometiendose á ello el Gobierno á quien se entregaren, y obligandose ademas á exhibir de tiempo en tiempo, y siempre que asi lo requiera la otra Alta Parte Contratante, la mas cabal noticia del estado y condicion de dichos Negros, á fin de asegurar la debida observancia del Tratado.

Con el propio fin, se ha extendido el Reglamento anexo á este Tratado bajo la letra C, concerniente al trato de los Negros emancipados por sentencia de los Tribunales Mixtos, y se declara que dicho Reglamento forma parte integrante de este Tratado: reservándose las dos Altas Partes Contratantes el derecho de alterar y suspender, de comun acuerdo y mutuo consentimiento, pero no de otro modo, los terminos y tenor del referido Reglamento.

Artículo XIII. Los Actos ó Instrumentos anexos al presente Tratado, y que, segun se ha convenido, deberán formar parte integrante de él, son los siguientes:

A. Instrucciones para los buques de las armadas de ambas naciones, destinados á impedir el Tráfico de Esclavos.

B. Reglamento para los Tribunales Mixtos de Justicia que han de celebrar sus sesiones en el territorio de la República de Chile, y en la costa de Africa.

C. Reglamento sobre el modo de tratar á los Negros emancipados.

Artículo XIV. El presente Tratado, que consta de catorce Artículos, será ratificado, y sus ratificaciones canjeadas en Santiago, lo mas pronto posible dentro del termino de doce meses contados desde el dia de la fecha.

En testimonio de lo cual, los respectivos Plenipotenciarios han firmado, por triplicado, ejemplares del presente Tratado, en Español y en Ingles, y los han sellado con sus armas.

Fecho en la ciudad de Santiago, á diez y nueve dias del mes de Enero, del año de nuestro Señor mil ochocientos treinta y nueve.

(L.S.) JOAQUIN TOCORNAL.
(L.S.) JOHN WALPOLE.

ADICION A *al Tratado entre la República de Chile y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, para la abolicion del Tráfico de Esclavos.*

Instrucciones para los Buques de las Armadas Chilena y Británica, destinados á impedir el Tráfico de Esclavos.

ARTICULO I. El comandante de cualquier buque de guerra perteneciente á la armada Chilena ó Británica, que se halle provisto de estas Instrucciones, tendrá derecho de visitar, registrar, y detener cualquiera embarcacion mercante Chilena ó Británica que actualmente estuviere empleada en el Comercio de Esclavos, ó que induzca sospecha de estarlo, ó de haberse equipado al efecto, ó de haberse empleado en dicho Tráfico durante el viaje en que la encontrare el referido buque de guerra de la armada Chilena ó Británica; y el sobredicho comandante conducirá en consecuencia, ó enviará la embarcacion mercante, lo mas pronto posible, para que sea juzgada, ante uno de los Tribunales Mixtos de Justicia establecidos en virtud del

Artículo VII de este Tratado; prefiriéndose el Tribunal que estuviere mas cerca del paraje de la detencion, ó al que dicho comandante crea, bajo su responsabilidad, que puede arribarse mas pronto desde el mismo paraje.

Artículo II. Siempre que el comandante de un buque de cualquiera de ambas armadas, debidamente autorizado del modo que arriba se expresa, encontrare una embarcacion mercante que haya de visitarse con arreglo á las estipulaciones del Tratado, se verificará el rejistro con la mayor moderacion, y con todos los miramientos que deben observarse entre naciones aliadas y amigas; ejecutándolo en todos casos un oficial de no menor graduacion que la de teniente de la respectiva armada Chilena ó Británica, (á menos que por muerte ó por otro motivo haya recaido el mando en otro oficial de inferior grado,) ó el oficial que á la sazon sea segundo comandante del buque que haga el rejistro.

Artículo III. El comandante de cualquier buque de una ú otra de las dos armadas, debidamente autorizado segun lo arriba dicho, que detuviere una embarcacion mercante con arreglo al tenor de las presentes Instrucciones, dejará á bordo de ella al capitan, al piloto ó contra-maestre, y á dos ó tres, á lo menos, de su tripulacion; todos los Esclavos, si algunos hubiere; y toda la carga.

El aprehensor, al tiempo de la detencion, extenderá por escrito una declaracion auténtica, en la que se manifieste el estado en que se encontró la embarcacion detenida, firmando él mismo la declaracion, y entregándola ó enviándola, junto con la embarcacion detenida, al Tribunal Mixto de Justicia á que la dicha embarcacion fuere conducida ó enviada para su adjudicacion.

El aprehensor entregará ademas al capitan de la embarcacion una lista, certificada bajo su firma, de los papeles tomados á bordo, y del número de Esclavos que se hubiere encontrado en ella al momento de la detencion.

En la declaracion auténtica que el aprehensor queda por el presente Artículo obligado á hacer, é igualmente en la lista certificada de los papeles tomados, se expresará su propio nombre y apellido, el nombre del buque aprehensor, la latitud y lonjitud del paraje en que se hubiere efectuado la detencion, y el número de Esclavos que se hubiere hal-

lado á bordo de la embarcacion mercante al tiempo de la detencion.

El oficial encargado de conducir la embarcacion detenida, entregará al Tribunal Mixto de Justicia, al tiempo de presentarle los papeles de aquella, un documento bajo su firma, en el que exprese con juramento, las variaciones que hayan ocurrido respecto á la embarcacion, á su tripulacion, á los Esclavos, si los hubiere, y á su cargamento, en el tiempo transcurrido desde su detencion hasta la entrega de dicho documento.

Artículo IV. Los Esclavos no se desembarcarán hasto tanto que la embarcacion que los conduzca haya llegado al lugar donde vá á ser juzgada; á fin de que si sucediere que la embarcacion no fuere declarada buena presa, pueda resarcirse mas facilmente la pérdida de los propietarios; y aun despues de la llegada de los Esclavos á dicho lugar, no serán estos desembarcados sin que preceda al efecto la licencia del Tribunal Mixto de Justicia.

Pero si motivos urjentes, orijinados ó de lo largo del viaje, ó del estado de salud de los Esclavos, ó de otras causas, exijieren que todos los Negros, ó parte de ellos, se desembarquen antes de que la embarcacion llegue al lugar de la residencia de uno de los referidos Tribunales, el comandante del buque aprehensor podrá tomar sobre si la responsabilidad de este desembarco, con tal que la necesidad y causas de ello se expresen en un certificado en debida forma, y que este certificado se extienda, llegado que sea el caso, en el libro de navegacion de la embarcacion detenida.

Los infrascritos Plenipotenciarios han convenido, de conformidad con el Artículo XIII del Tratado firmado por ellos el dia de hoy, diez y nueve de Enero de mil ochocientos treinta y nueve, que las presentes Instrucciones, compuestas de cuatro Artículos, correrán anexas á dicho Tratado, y serán consideradas como parte integrante de él.

Enero diez y nueve, de mil ochocientos treinta y nueve.

(L.S.) Joaquin Tocornal.

(L.S.) John Walpole.

ADICION B *al Tratado entre la República de Chile y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, para la abolicion del Tráfico de Esclavos.*

Reglamento para los Tribunales Mixtos de Justicia que han de residir en el Territorio de la República de Chile, y en la Costa de Africa.

ARTICULO I. Los Tribunales Mixtos de Justicia que se han de establecer en virtud de las estipulaciones del Tratado de que este Reglamento se declara ser parte integrante, se compondrán de la manera siguiente. Cada una de las dos Altas Partes Contratantes nombrará un juez y un árbitro autorizados para examinar y sentenciar, sin apelacion, todos los casos de captura ó detencion de embarcaciones que, con arreglo á las estipulaciones del sobredicho Tratado, sean conducidas ante ellos. Estos jueces y árbitros, antes de entrar en el ejercicio de sus funciones, se obligarán por juramento, que prestarán ante el majistrado superior del lugar en donde los respectivos Tribunales residan, á juzgar leal y fielmente, á no mostrar parcialidad á favor de los aprehendidos ni de los aprehensores, y á observar en todas sus sentencias, las estipulaciones del sobredicho Tratado.

A cada uno de los Tribunales Mixtos se agregará un secretario ó actuario, nombrado por el Gobierno del pais en que dicho Tribunal residiere. Este secretario ó actuario extenderá los procedimientos del Tribunal, y ántes de entrar en el ejercicio de sus funciones, prestará juramento, ante el Tribunal á que se le destine, de conducirse con el debido respeto á la autoridad del mismo Tribunal, y de obrar fiel é imparcialmente en todo cuanto concierna á su cargo.

El sueldo del secretario ó actuario del Tribunal que se establezca en el territorio Chileno, será pagado por la República de Chile; y el del secretario ó actuario del Tribunal que se establezca en la costa de Africa, será pagado por Su Majestad Británica.

Cada uno de los dos Gobiernos satisfará la mitad del importe total de los gastos continjentes de los expresados Tribunales Mixtos.

Artículo II. Los gastos hechos por el oficial encargado

de recibir, mantener, y cuidar la embarcacion detenida, sus Esclavos y cargamento, y de la ejecucion de la sentencia, y todos los desembolsos que se hicieren para conducir una embarcacion á ser juzgada, serán satisfechos, en el caso de ser condenada, de los fondos producidos por la venta de los materiales de la embarcacion hecha pedazos, de los enseres de la embarcacion, y de la parte de su cargamento que consista en mercancias. Si los productos de esta venta no fueren suficientes para satisfacer los mencionados gastos, se abonará el deficit por el Gobierno del pais en cuyo territorio se haya adjudicado la embarcacion.

Y dado caso que la embarcacion detenida fuere absuelta, los gastos que haya ocasionada su conduccion ante el Tribunal respectivo, se satisfarán por el aprehensor, salvo en los casos en que se ha dispuesto otra cosa, especificados en el Artículo X del Tratado de que este Reglamento forma parte, y en el Artículo VII de este mismo Reglamento.

Artículo III. Los Tribunales Mixtos de Justicia decidirán de la legalidad de la detencion de las embarcaciones que los cruceros de una ú otra nacion aprehendan en cumplimiento del sobredicho Tratado.

Estos Tribunales juzgarán definitivamente y sin apelacion, todas las cuestiones á que dén lugar la captura y detencion de las embarcaciones.

Los procedimientos judiciales de estos Tribunales se efectuarán con la menor demora que fuere posible; y con este fin, se les encarga que, en cuanto sea practicable, decidan cada caso en el término de veinte dias contados desde el de la entrada de la embarcacion aprehendida en el puerto donde residiere el Tribunal que deba juzgarla.

En ningun caso tardará la sentencia definitiva mas de dos meses, ya sea por ausencia de testigos, ó por otra causa cualquiera, salvo cuando alguna ó algunas de las partes interesadas lo soliciten; en cuyo caso, presentándose por la dicha parte ó partes interesadas las competentes fianzas de tomar sobre si los gastos y riesgos de la dilacion, los Tribunales podrán conceder á su advitrio, una nueva demora que no pase de cuatro meses. Cada parte tendrá la facultad de emplear, para que la dirija en los trámites de la causa á los letrados que guste.

Todas las actuaciones ó procedimientos esenciales de

los mencionados Tribunales se extenderán por escrito en la lengua del pais donde resida el Tribunal respectivo.

Artículo IV. El modo en enjuiciar será como sigue:—

Los jueces nombrados respectivamente por cada una de las dos naciones, procederán ante todas cosas á examinar los papeles de la embarcacion aprehendida, y á tomar las declaraciones del capitan ó comandante, y de dos ó tres, al menos, de los principales individuos que se hubieren hallado á bordo de ella; y si lo creyeren necesario, tomarán tambien declaracion jurada al aprehensor; para que tengan los medios de juzgar y fallar si dicha embarcacion ha sido justa ó injustamente aprehendida, con arreglo á las estipulaciones del Tratado susodicho; de manera que la embarcacion sea condenada ó absuelta en virtud de este juicio.

Si sucediere que los dos jueces no estén acordes acerca de la sentencia que deban pronunciar en el caso sometido á su deliberacion, ya sea en cuanto á la legalidad de la detencion, ya en cuanto á si la embarcacion está en el caso de ser condenada, ya sobre le indemnizacion que haya de darsele, ó sobre cualquier otra duda ó cuestion que emane de la susodicha captura; ó si se suscitase entre ellos diverjencia de opiniones acerca del modo de proceder del Tribunal; sacarán á la suerte el nombre de uno de los dos árbitros establecidos como arriba se expresa; y este árbitro, despues de examinados los procedimientos que se hayan verificado, conferenciará sobre el caso con los dos sobredichos jueces, y la sentencia ó fallo definitivo se pronunciará con arreglo al dictamen de la mayoria de los tres.

Artículo V. Si la embarcacion detenida fuere restituida por sentencia del Tribunal, ella y su cargamento, en el estado en que entónces se encuentren, se entregarán al capitan, ó á la persona que le represente; y dicho capitan, ó la person que haga sus veces, podrá reclamar ante el mismo Tribunal, la valuacion de los perjuicios cuyo resarcimiento tenga derecho de pedir. El aprehensor, y á falta de este, su Gobierno, quedará responsable al pago de los perjuicios á que definitivamente hayan sido declarados acreedores el capitan de la embarcacion, ó los propietarios de la misma, ó de su carga.

Las dos Altas Partes Contratantes se obligan á satisfacer, dentro del término de un año contado desde la fecha

de la sentencia, las costas y perjuicios cuya compensacion haya sido concedida por el susodicho Tribunal; quedando mutuamente entendido y convenido, que estas costas y perjuicios serán abonados por el Gobierno del pais de que el aprehensor sea ciudadano ó subdito.

Artículo VI. Si la embarcacion aprehendida fuere condenada, será declarada buena presa, junto con su cargamento, de cualquier naturaleza que este sea, á excepcion de los Esclavos que hayan sido conducidos á su bordo con el objeto de traficar en ellos; y dicha embarcacion, de conformidad con las reglas del Artículo XI del Tratado de esta fecha, será vendida, igualmente que su cargamento, en pública subhasta, á beneficio de ambos Gobiernos, despues de satisfechos los gastos que arriba se expresan.

Los Esclavos recibirán del Tribunal un certificado de emancipacion, y serán entregados al Gobierno á quien pertenezca el crucero que ha hecho la presa, para que se les trate conforme al Reglamento y Condiciones contenidas en la Adicion C de este Tratado.

Los gastos que se ocasionen por la manutencion y viaje de retorno de los comandantes y tripulaciones de las embarcaciones condenadas, serán costeados por el Gobierno de que dichos comandantes y tripulaciones sean ciudadanos ó súbditos.

Artículo VII. Los Tribunales Mixtos examinarán tambien, y juzgarán definitivamente y sin apelacion, todas las demandas que se les hagan por compensacion de pérdidas ocasionadas á las embarcaciones y cargas detenidas con arreglo á las estipulaciones de este Tratado, pero que no hayan sido condenadas como presas legales por dichos Tribunales; y en todos los casos en que se decrete la restitucion de dichas embarcaciones y cargas, (salvo en los mencionados en el Artículo X del Tratado á que este Reglamento corre anexo, y en una parte subsiguiente de este mismo Reglamento,) el Tribunal concederá al reclamante ó reclamantes, ó á su apoderado ó apoderados legalmente constituidos, una justa y completa indemnizacion por todas las costas del proceso, y por todas las pérdidas y perjuicios que el propietario ó propietarios hayan experimentado en consecuencia de dicha captura y detencion; es á saber:—

1°. En caso de pérdida total, el reclamante ó reclamantes serán indemnizados,—

A. Por el buque, sus aparejos, equipo, y provisiones.

B. Por todos los fletes debidos y pagaderos.

C. Por el valor del cargamento de mercancias, si algunas habia, deduciendo todos los gastos y costos pagaderos sobre la venta de dicho cargamento, inclusa la comision de venta.

D. Por todas las demas cargas regulares en dicho caso de pérdida total.

2°. En todos los demas casos que no fueren de pérdida total, salvo los que abajo se mencionarán, el reclamante ó reclamantes serán indemnizados,—

A. Por todos los perjuicios y gastos especiales que experimentare el buque por su detencion, y por la pérdida de los fletes debidos ó pagaderos.

B. Por estadias, segun la tarifa anexa al presente Artículo.

C. Por cualquiera deterioro del cargamento.

D. Por todo premio de seguros sobre riesgos adicionales.

El reclamante ó reclamantes tendrán derecho al interes de un cinco por ciento anual, sobre la suma concedida, hasta que dicha suma sea pagada por el Gobierno á que pertenezca el buque apresador; y el importe total de todas estas indemnizaciones se calculará en moneda del pais á que pertenezca la embarcacion apresada, y se pagará segun el cambio corriente al tiempo de hacerse la concesion.

Sin embargo, las dos Altas Partes Contratantes han acordado, que si se prueba á satisfaccion de los jueces de ambas naciones, y sin recurrir á la decision de un arbitro, que el aprehensor ha sido inducido á error por culpa del capitan ó comandante de la embarcacion detenida, no tendrá esta en tal caso derecho á cobrar, por el tiempo de su detencion, las estadias estipuladas en el presente Artículo, ni otra alguna compensacion por pérdidas, daños, ó gastos consiguientes á su detencion.

Tarifa de estadias ó sea abono diario, para una embarcacion, desde

				Libras Esterlinas.	
100	toneladas	á 120	inclusive	5	Por dia.
121	. .	150	. .	6	
151	. .	170	. .	8	
171	. .	200	. .	10	
201	. .	220	. .	11	
221	. .	250	. .	12	
251	. .	270	. .	14	
271	. .	300	. .	15	

y asi proporcionalmente.

Artículo VIII. Ni los jueces, ni los árbitros, ni los secretarios de los Tribunales Mixtos de Justicia, pedirán ni recibirán de ninguna de las partes interesadas en los casos que se juzgaren por dichos Tribunales, emolumento ó dadiva alguna, bajo cualquier pretexto que sea, por el cumplimiento de los deberes que á dichos jueces, árbitros, y secretarios incumben.

Artículo IX. Las dos Altas Partes Contratantes han acordado que en caso de muerte, enfermedad, ausencia con licencia temporal, ó cualquiera otro impedimento legal, de uno ó mas de los jueces ó árbitros que formen los sobredichos Tribunales, la vacante del mencionado juez ó árbitro se llenará interinamente del modo que sigue:—

1°. Por parte de la República de Chile, y en el Tribunal que actúe en el territorio de dicha República,—si la vacante fuere la del juez Chileno, se llenará su puesto por el árbitro Chileno; y en este caso, ó en el de que la vacante fuere orijinariamente la del árbitro Chileno, será este reemplazado por el gobernador intendente de la provincia en que dicho Tribunal residiere, ó por el gobernador militar de Valparaiso, si el Tribunal residiere en Valparaiso; y el Tribunal, asi constituido, entrará en el ejercicio de sus funciones, y procederá en consecuencia á juzgar todos los casos que se le presenten, y á pronunciar sentencia sobre ellos.

2°. Por parte de la República de Chile, y en el Tribunal que actúe en una posesion de Su Majestad Británica,—si la vacante fuere la del juez Chileno, se llenará por el

árbitro Chileno; y en este caso, ó en el de que la vacante fuere orijinariamente la del árbitro Chileno, será este reemplazado sucesivamente por el Cónsul Chileno y por el Vice-Cónsul Chileno, si hubiere Cónsul ó Vice-Cónsul Chilenos nombrados para dicha posesion, y residentes en ella; y en el caso de que la vacante fuere á un mismo tiempo del juez y del árbitro Chilenos, la vacante del juez Chileno se llenará por el Cónsul Chileno, y la del árbitro Chileno por el Vice-Cónsul Chileno, si hubiere Cónsul y Vice-Cónsul Chilenos nombrados para aquella posesion, y residentes en ella; y si no hubiere Cónsul ni Vice-Cónsul Chilenos para reemplazar al árbitro Chileno, el árbitro Británico será llamado en todos los casos en que el árbitro Chileno seria llamado, si lo hubiese; y en caso que la vacante fuere del juez y del árbitro Chilenos á un mismo tiempo, y no hubiere Cónsul ni Vice-Cónsul Chilenos para reemplazarlos interinamente, entónces actuarán el juez y el árbitro Británicos, y procederán en consecuencia á juzgar todos los casos que se les presenten, y á pronunciar sentencia sobre ellos.

3°. Por parte de Su Majestad Británica, y en el Tribunal que residiere en una posesion de Su Majestad,—si la vacante fuere la del juez Británico, su puesto se llenará por el árbitro Británico; y en este caso, ó en el de que la vacante fuere orijinariamente la del árbitro Británico, este será reemplazado sucesivamente por el gobernador ó teniente-gobernador residente en la expresada posesion, por el majistrado principal de la misma, y por el secretario del Gobierno; y el Tribunal, asi constituido, entrará en el ejercicio de sus funciones, y procederá en consecuencia á juzgar todos los casos que se les presenten, y á pronunciar sentencia sobre ellos.

4°. Por parte de la Gran Bretaña, y en el Tribunal que actúe en el territorio de la República de Chile,—si la vacante fuere la del juez Británico, se llenará por el árbitro Británico; y en este caso, ó en el de que la vacante fuere orijinariamente la del árbitro Británico, este será reemplazado sucesivamente por el Cónsul Británico y por el Vice-Cónsul Británico, si hubiere Cónsul y Vice-Cónsul Británicos nombrados para el lugar en que actuare dicho Tribunal, y residentes en él; y en el caso de que la vacante

fuere á un mismo tiempo del juez y del árbitro Británicos, la vacante del juez Británico se llenará por el Cónsul Británico, y la del árbitro Británico por el Vice-Cónsul Británico, si hubiere Cónsul y Vice-Cónsul Británicos nombrados para dicho lugar, y residentes en él; y si no hubiere Cónsul ni Vice-Cónsul Británicos, para reemplazar al árbitro Británico, el árbitro Chileno será llamado en los casos en que el árbitro Británico seria llamado, si lo hubiese; y en caso de que la vacante fuere del juez y del árbitro Británicos á un mismo tiempo, y no hubiere Cónsul ni Vice-Cónsul Británicos para reemplazarlos interinamente, entónces actuarán el juez y el árbitro Chilenos, y procederán en consecuencia á juzgar todos los casos que se les presenten, y á pronunciar sentencia sobre ellos.

La mas alta autoridad civil de la posesion en que cualquiera de los Tribunales Mixtos residiere, cuando ocurra una vacante, sea de juez ó de árbitro de la otra Alta Parte Contratante, lo participará inmediatamente á la mas alta autoridad civil de la posesion mas inmediata de dicha Alta Parte Contratante, para que se llene la vacante en el término mas corto posible. Y ambas Partes Contratantes convienen en llenar definitivamente, y tan pronto como ser pueda, las vacantes que por fallecimiento ó por cualquiera otra causa ocurran en los sobredichos Tribunales.

Los infrascritos Plenipotenciarios han acordado, con arreglo al Artículo XIII del Tratado que han firmado hoy diez y nueve de Enero de mil ochocientos treinta y nueve, que el Reglamento presente, compuesto de nueve Artículos, correrá anexo á dicho Tratado, y será considerado parte integrante del mismo.

Enero diez y nueve, de mil ochocientos treinta y nueve.

(L.S.) JOAQUIN TOCORNAL.

(L.S.) JOHN WALPOLE.

ADICION C *al Tratado entre la República de Chile y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, para la abolicion del Tráfico de Esclavos.*

Reglamento para el buen trato de los Negros emancipados.

ARTICULO I. El objeto y espiritu de este Reglamento se encaminan á asegurar á los Negros emancipados en virtud de las estipulaciones del Tratado á que es anexo, (bajo la letra C) un buen trato permanente, y una entera y completa libertad, de conformidad con las intenciones benéficas de las Altas Partes Contratantes.

Artículo II. Inmediatamente despues que el Tribunal Mixto establecido en virtud del Tratado á que va anexo este Reglamento, hubiere pronunciado sentencia condenando á una embarcacion acusada de haber tomado parte en el Tráfico ilegal de Esclavos, todos los Negros que se hubieren hallado en dicha embarcacion, y hayan sido conducidos á su bordo con el objeto de traficar en ellos, serán entregados al Gobierno á que pertenezca el crucero que haya hecho la presa.

Artículo III. Si es Británico el crucero que ha hecho la presa, el Gobierno Británico se obliga á que los Negros serán tratados en absoluta conformidad con las leyes vijentes en las colonias de la Gran Bretaña con respecto á los Negros libres ó emancipados.

Artículo IV. Si fuere Chileno el crucero que ha hecho la presa, en este caso se entregarán los Negros á las autoridades Chilenas de aquel lugar de los dominios de Chile, en que se halle establecido el Tribunal Mixto; y el Gobierno Chileno se obliga solemnemente á que dichos Negros serán tratados alli con estricta sujecion á la leyes y reglamentos vijentes en Chile con respecto á los Negros libres, ó en conformidad con las leyes y reglamentos que en adelante se establecieren en Chile sobre esta materia; las cuales leyes y reglamentos tendrán siempre el benéfico objeto de asegurar franca y lealmente á los Negros emancipados el goce de la libertad adquirida, exento de toda molestia, el buen trato, el conocimiento de los dogmas de la relijion Cristiana, su adelantamiento en la moral y la civilizacion, y la

instruccion suficiente en los oficios mecánicos, para que dichos Negros emancipados se hallen en estado de mantenerse por si mismos, como artesanos, menestrales, ó criados domésticos.

Artículo V. Con el fin que se explica en el Artículo VI, se llevará en la secretaria del gobernador de aquella parte de la República de Chile en que residiere el Tribunal Mixto, un rejistro de todos los Negros emancipados, en que escribirán, con exactitud escrupulosa, los nombres que se hayan puesto á los Negros, los nombres de las embarcaciones en que hayan sido apresados, los de las personas á cuyo cuidado se encomendaren, y cualesquiera otras circunstancias que contribuyan al fin propuesto.

Artículo VI. El rejistro á que se refiere el precedente Artículo, servirá para formar un estado jeneral, que el Gobierno de aquella parte de la República de Chile en que resida el Tribunal Mixto, será obligado á entregar cada seis meses al mencionado Tribunal Mixto, con el objeto de hacer constar la existencia de los Negros que, en virtud de este Tratado, se emanciparen, las mejoras de su condicion, y los progresos de su enseñanza relijiosa, moral, é industrial. Dicho estado especificará asi mismo los nombres y descripciones de los Negros emancipados que hayan fallecido durante el periodo á que corresponde el estado.

Artículo VII. Las Altas Partes Contratantes acuerdan que si en adelante pareciere necesario adoptar nuevas medidas por haber resultado ineficaces las que en esta Adicion van mencionadas, consultarán entre si, y de comun acuerdo establecerán otros medios mas á proposito para el completo logro de los fines que se proponen.

Artículo VIII. Los infrascritos Plenipotenciarios han acordado, de conformidad con el Artículo XIV del Tratado que han firmado el dia de hoy, diez y neuve de Enero de mil ochocientos treinta y nueve, que la presente Adicion, compuesta de ocho Artículos, correrá anexa á dicho Tratado, y será considerada como parte integrante del mismo.

Enero diez y nueve, de mil ochocientos treinta y neuve.

(L.S.) JOAQUIN TOCORNAL.

(L.S.) JOHN WALPOLE.

Artículos Adicionales al Tratado entre la República de Chile y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, para la abolicion del Tráfico de Esclavos.

Articulo I. Queda acordado y entendido, que si hubiere alguna demora en el nombramiento del juez y del árbitro que por parte de la República de Chile han de ser destinados á actuar en cada uno de los Tribunales Mixtos de Justicia que deben establecerse en conformidad con este Tratado, ó si dichos empleados, despues de su nombramiento, se hallaren ausentes; en uno ú otro de estos casos, y en cualquier tiempo que esto suceda, el juez y el árbitro nombrados por parte de Su Majestad Británica, y presentes en dichos Tribunales, procederán, en ausencia del juez ó árbitro Chilenos, á abrir dichos Tribunales, y á juzgar los casos que, de conformidad con el Tratado, se les presenten; y que la sentencia pronunciada en tales casos por los dichos juez y árbitro Británicos, tendrá la misma fuerza y valor que si el juez y el árbitro Chilenos hubiesen sido nombrados, y se hallasen presentes y actuasen en los Tribunales Mixtos en los referidos casos.

Artículo II. Queda tambien acordado que, no obstante las estipulaciones del Artículo I de la Adicion B, mientras no se nombraren el juez y árbitro Chilenos, no será necesario que la República de Chile nombre el secretario ó actuario que en dicho Artículo se menciona; que entretanto el secretario ó actuario del Tribunal que exista en el territorio de la República de Chile, será nombrado y pagado por el Gobierno de Su Majestad Británica; y que todos los gastos de los dos Tribunales que se establezcan en virtud de este Tratado, serán á cargo del Gobierno de Su Majestad Británica.

Los presentes Artículos Adicionales formarán parte integrante del Tratado para la abolicion del Tráfico de Esclavos, firmado el dia de hoy; y tendrán la misma fuerza y valor que si se hallasen insertos en el, palabra por palabra, y serán ratificados en el término de doce meses, ó ántes si fuere posible.

Fechos en la ciudad de Santiago, á diez y nueve

dias del mes de Enero, del año de nuestro Señor mil ochocientos treinta y nueve.

(L.S.) JOAQUIN TOCORNAL.
(L.S.) JOHN WALPOLE.

CONVENTION *Additional to and Explanatory of the Treaty concluded at Santiago, January* 19, 1839, *between Her Majesty and the Republic of Chile, for the abolition of the Traffic in Slaves.—Signed at Santiago, August* 7, 1841.

[Ratifications exchanged at Santiago, August 6, 1842.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the Republic of Chile, animated always with the most lively desire to co-operate for the abolition of the Traffic in Slaves in all parts of the world, and to avoid renewed delays in the fulfilment of the obligations which they had mutually resolved to impose on themselves by the Treaty signed on the nineteenth of January, 1839, which unhappily could not be carried into effect, the ratifications not having been exchanged within the period therein stipulated; have agreed to proceed to the celebration of a Convention which may give full force and vigour, in all which shall not be expressly altered by it, to the stipulations contained in the said Treaty. For this purpose they have named for their Plenipotentiaries, to wit:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable John Walpole, Her Britannic Majesty's Consul-General in the Republic of Chile; and the Republic of Chile, Don Ramon Luis Yrarrázaval, Minister of State for the Departments of the Interior and Foreign Relations; who, having mutually communicated their full powers, and found them in due form, have arranged and agreed to the following Articles:

ARTICLE I. The two High Contracting Parties recognize as valid and existing, all the obligations which it was their intention respectively to contract by all and each of

the Articles of the Treaty of the nineteenth of January, 1839, to co-operate for the effectual and complete abolition of the Slave Trade, and by all and each of the Articles of the Annexes marked A, B, and C, and by the two separate Additional Articles, which, as therein stipulated, ought and are to be considered as integral parts of the above-mentioned Treaty; all in the same manner as if the above-mentioned Treaty formed an integral part of the present Convention, and was inserted, word for word, in it; saving, however, the exceptions and modifications which are hereafter expressed.

Article II. The power which, by the Articles IV and V of the above-mentioned Treaty of the nineteenth of January, 1839, is conceded to the vessels of the navies of the two nations which shall be employed in impeding the Traffic in Slaves, to visit the merchant vessels of both, which may be found in the case indicated in Article IV, already referred to, and, in order that, in consequence of the visit, they may proceed with respect to the vessels and their cargo in accordance with the Instructions in Annex A; shall not be understood as yielded unless to be exercised solely and exclusively in the places which are hereafter expressed; that is to say:

1st. Along the western coast of Africa, from the fortieth degree of south latitude to the twenty-fifth degree of north latitude, and to the twenty-seventh degree of west longitude, calculated from the meridian of Greenwich.

2nd. All round the Island of Madagascar, to the extent of twenty leagues from that island.

3rd. The same distance from the coasts of the Island of Cuba.

4th. The same distance from the coasts of the Island of Puerto Rico; and

5th. The same distance from the coasts of Brazil.

Nevertheless, if a vessel of which suspicion should be entertained, and which should have been chased whilst within the assigned limits, should succeed in passing them, it may be searched, provided that it has not been lost sight of during the chase.

Article III. The before-mentioned Treaty, and the present Convention, shall be respectively ratified by Her

Majesty the Queen of the United Kingdom of Great Britain and Ireland, and by the President of the Republic of Chile; and the ratifications of both shall be exchanged within one year, reckoned from the date of the present Convention, or sooner if possible.

In faith of which, the respective Plenipotentiaries have signed three copies of the present Convention in the English language, and other three in the Spanish language, and have sealed them with their arms.

Done in the city of Santiago, the seventh day of August, in the year of our Lord one thousand eight hundred and forty-one.

(L.S.) JOHN WALPOLE.
(L.S.) RAMON LUIS YRARRAZAVAL.

EL Presidente de la República de Chile, y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, animados siempre del mas vivo deseo de cooperar á la abolicion del Tráfico de Esclavos en todas las partes del mundo, y de evitar nuevas demoras en el cumplimiento de las obligaciones que mutuamente habian resuelto imponerse por el Tratado de diez y nueve de Enero, de mil ochocientos treinta y nueve, que desgraciadamente no pudo llevarse á efecto por no haberse canjeado las ratificaciones dentro del plazo estipulado en él; han resuelto proceder al ajuste de una Convencion que dé plena fuerza y valor, en todo lo que no fuere alterado expresamente por ella, á las estipulaciones contenidas en el dicho Tratado. A este efecto han nombrado por sus Plenipotenciarios, á saber:—

La República de Chile, á Don Ramon Luis Yrarrázaval, Ministro del Despacho en los Departamentos del Interior y Relaciones Exteriores; y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, al Honorable Señor Juan Walpole, Consul-Jeneral de Su Majestad Británica en la República de Chile; los cuales, habiéndose comunicado mutuamente sus plenos poderes, y halládolos en debida forma, han ajustado y acordado los siguientes Artículos:

Artículo I. Las dos Altas Partes Contratantes reconocen como válidas y subsistentes, todas las obligaciones que respectivamente fué su ánimo imponerse por todos y cada uno de los Artículos del Tratado de diez y nueve de Enero, de mil ochocientos treinta y nueve, para cooperar á la efectiva y completa abolicion del Comercio de Esclavos, y por todos y cada uno de los Artículos de las Adiciones marcadas con las letras A, B, y C, y por los dos Artículos Adicionales separados, que segun lo allí estipulado, debian y deben considerarse como partes integrantes del sobredicho Tratado; todo de la misma manera que si el sobredicho Tratado formase parte integrante de la presente Convencion, y estuviese inserto en ella palabra por palabra; salvas empero las excepciones y modificaciones que van á expresarse.

Artículo II. La facultad que por los Artículos IV y V del sobredicho Tratado de diez y nueve de Enero, de mil ochocientos treinta y nueve, se concede á los buques de las armadas de las dos naciones que se emplearen en impedir el Tráfico de Esclavos, para que visiten las embarcaciones mercantes de ambas, que se hallaren en el caso indicado en el referido Artículo IV, y para que, á consecuencia de la visita, procedan respecto de las embarcaciones y su carga con arreglo á las Instrucciones de la Adicion A; no se entenderá concedida sino para que se ejercite sola y exclusivamente en los lugares que van á expresarse; á saber:

1°. A lo largo de la costa occidental de Africa, desde los cuarenta grados de latitud sur, hasta los veinte y cinco de latitud norte, y hasta los veinte y siete de lonjitud occidental, contados desde el meridiano de Greenwich.

2°. Al rededor de la Isla de Madagascar, en una zona de veinte leguas de anchura.

3°. A la misma distancia de las costas de la Isla de Cuba.

4°. A la misma distancia de las costas de la Isla de Puertorrico; y

5°. A la misma distancia de las costas del Brasil.

No obstante, si un buque de que se tuviesen sospechas, y que hubiere sido perseguido dentro de los limites asignados, lograse salir de ellos, podrá ser visitado, con tal que no se le haya perdido de vista durante la persecucion.

Artículo III. El antedicho Tratado, y la presente Convencion, serán respectivamente ratificados por el Presidente de la República de Chile, y por Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda; y las ratificaciones de ambos serán canjeadas dentro de un año, contado desde la fecha de la presente Convencion, ó antes si posible fuere.

En fé de lo cual, los respectivos Plenipotenciarios han firmado tres ejemplares en lengua Castellana de la presente Convencion, y otros tres en lengua Inglesa, y los han sellado con sus armas.

Fecha en la ciudad de Santiago, á siete dias del mes de Agosto, del año de nuestro Señor mil ochocientos cuarenta y uno.

(L.S.) RAMON LUIS YRARRAZAVAL.
(L.S.) JOHN WALPOLE.

DENMARK.

TREATY *between His Majesty, the King of the French, and the King of Denmark, containing the Accession of His Danish Majesty to two Conventions between Great Britain and France, for the more effectual suppression of the Slave Trade.—Signed at Copenhagen, July* 26, 1834.

[Ratifications exchanged at Copenhagen, Oct, 19, 1834.]

HIS Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, having concluded on the 30th of November, 1831, and the 22nd March, 1833, two Conventions, intended to insure the complete suppression of the Slave Trade;

The High Contracting Parties, conformably to the Ninth Article of the first of these Conventions, which states that the other Maritime Powers shall be invited to accede to it, having addressed an invitation to that effect to His Majesty the King of Denmark; and his said Majesty, animated with the same sentiments which induced him to suppress that trade in the Danish Colonies at a period when this measure had not yet been taken by any other Power, and earnest to concur with his two August Allies in the same humane object, having without hesitation assented to the proposal;

*

The three High Powers, with the view of accomplishing this generous design, and of giving due authenticity, and all accustomed solemnity to the accession of His Danish Majesty, and to the acceptance thereof by His Britannic Majesty, and by His Majesty the King of the French, have resolved to conclude to this effect a formal Treaty, and have in consequence named for their Plenipotentiaries, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Henry Watkin Williams Wynn, Knight Grand Cross of the Royal Hanoverian Order of the Guelphs, one of His Britannic Majesty's Most Honourable Privy Council, and his Envoy Extraordinary and Minister Plenipotentiary at the Court of Denmark;

His Majesty the King of the French, M. Napoléon Lannes, Duc de Montebello, Peer of France, Knight of the Royal Order of the Legion of Honour, his Envoy Extraordinary and Minister Plenipotentiary at the Court of Denmark:

His Majesty the King of Denmark, M. Hans de Krabbe-Carisius, his Minister of State, and Chief of his Department for Foreign Affairs, Knight Grand Cross of his Order of St. Dannebrog with the Silver Cross, and Knight of the Second Class of the Order of St. Anne in Russia with diamonds:—

Who, after having reciprocally exchanged their full powers, found to be in good and due form, have agreed upon the following Articles:—

Article I. His Majesty the King of Denmark accedes to the Conventions concluded and signed on the 30th of November, 1831, and on the 22nd March, 1833, between His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, relating to the suppression of the Slave Trade, as well as to their Annex, excepting the reservations and modifications expressed in the 2nd, 3rd, and 4th Articles hereinafter given, which Articles shall be considered Additional to the said Conventions and to their Annex, and excepting the differences which necessarily result from the situation of His Danish Majesty, as a Party acceding to these Treaties after their conclusion.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, accept the said accession: all the Articles of these two Conventions, and all the conditions of their Annex, shall, in consequence, be held to have been agreed upon, concluded, and signed directly between His Majesty the King of the United Kingdom of Great Britain and Ireland, His Majesty the King of the French, and His Majesty the King of Denmark.

Their said Majesties engage and promise reciprocally to each other to fulfil faithfully all the clauses, conditions, and obligations thereof, excepting the reservations and modifications herein stipulated for; and in order to prevent any uncertainty, it has been agreed that the said Conventions, and the Annex containing the Instructions to Cruizers, shall be inserted here word for word, as follows:—

[Here follow the Conventions of November 30, 1831, and March 22, 1833, and the Annex containing the Instructions to Cruizers, which have already been laid before Parliament.]

Article II. It is agreed, with reference to Article III of the Convention of the 30th November, 1831, herein-above transcribed, that His Majesty the King of Denmark shall fix according to his convenience, the number of Danish cruizers which shall be employed on the service mentioned in the said Article, and the stations on which they shall cruize.

Article III. The Government of His Majesty the King of Denmark shall make known to the Governments of Great Britain and of France, conformably to Article IV of the Convention of 30th November, 1831, the Danish ships of war which are to be employed in the suppression of the trade, in order to obtain for their commanders the necessary warrants.

The warrants which are to be delivered by Denmark, shall be issued as soon as notification of the number of British and French cruizers intended to be employed shall be made to the Danish Government.

Article IV. It is agreed, with reference to the 5th

Article of the Instructions annexed to the Supplementary Convention of March 22, 1833, that all Danish vessels which, in pursuance of the Conventions herein-above transcribed, may be detained by the cruizers of His Majesty the King of the United Kingdom of Great Britain and Ireland, or of His Majesty the King of the French, employed on the American station, shall be carried and delivered to the Danish authorities at Santa Cruz.

That all Danish vessels detained by British or French cruizers on the African station, shall be delivered to the Danish authorities at the Fort of Christiansburgh on the Gold Coast of Guinea.

And that every vessel under the Danish flag which shall be detained by the British or French cruizers employed on the Madagascar station, shall be delivered to the authorities at one or other of the Danish possessions herein-above mentioned, or to the Danish authorities at Tranquebar in the East Indies, if circumstances shall render this last-mentioned destination desirable.

Article V. The present Treaty shall be ratified, and the ratifications shall be exchanged at Copenhagen in the space of three months, or sooner if possible.

In faith of which, the above-named Plenipotentiaries have signed the present Treaty in three originals, and have affixed thereto the seal of their arms.

Done at Copenhagen, this twenty-sixth day of July, one thousand eight hundred and thirty-four.

(L.S.) H. W. Williams Wynn.
(L.S.) Nap. Lannes, Duc de Montebello.
(L.S.) Hans Krabbe-Carisius.

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, et Sa Majesté le Roi des Français, ayant conclu le 30 Novembre, 1831, et le 22 Mars, 1833, deux Conventions destinées à assurer la répression complète de la Traite des Noirs ;

Les Hautes Parties Contractantes, conformément à l'Article IX de la première de ces Conventions, qui établit que les autres Puissances Maritimes seront invitées à y accéder, ayant adressé une invitation à cet effet à Sa

Majesté le Roi de Danemarck ; et Sa dite Majesté, animée des mêmes sentimens qui lui ont inspiré l'abolition de ce trafic dans les colonies Danoises, à une époque où cette mesure n'avait encore été prise par aucune autre Puissance, et empressée de concourir avec ses deux Augustes Alliés au même but d'humanité, n'ayant pas hésité à accueillir leur proposition ;

Les trois Hautes Puissances, dans la vue d'accomplir ce dessein généreux, et pour donner à l'accession de Sa Majesté Danoise, ainsi qu'à son acceptation par Sa Majesté Britannique et Sa Majesté le Roi des Français, l'authenticité convenable, et la solennité d'usage, ont résolu de conclure à cet effet un Traité formel, et ont en conséquence nommé pour leurs Plénipotentiaires, savoir :—

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, le Très Honorable Sir Henry Watkin Williams Wynn, Chevalier Grand' Croix de l'Ordre Hanovrien des Guelphes, Membre du Très Honorable Conseil Privé de Sa Majesté Britannique, et son Envoyé Extraordinaire et Ministre Plénipotentiaire à la Cour de Danemarck :

Sa Majesté le Roi des Français, le Sieur Napoléon Lannes, Duc de Montebello, Pair de France, Chevalier de l'Ordre Royal de la Légion d'Honneur, son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Cour de Danemarck :

Sa Majesté le Roi de Danemarck, le Sieur Hans de Krabbe-Carisius, son Ministre intime d'Etat, et Chef de son Département des Affaires Etrangères, Grand' Croix de son Ordre de Danebrog avec la Croix d'Argent, et Chevalier de l'Ordre de Sainte Anne de Russie de la Seconde Classe en diamans :

Lesquels, après avoir réciproquement échangé leurs pleins-pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans :

Article I. Sa Majesté le Roi de Danemarck accède aux Conventions conclues et signées le 30 Novembre, 1831, et le 22 Mars, 1833, entre Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, et Sa Majesté le Roi des Français, relativement à la répression de la Traite des Noirs, ainsi qu'à leur Annexe, sauf les

réserves et modifications exprimées dans les Articles II, III, et IV ci-après, qui seront considérés comme Additionnels aux dites Conventions et à leur Annexe, et sauf la différence qui résulte nécessairement de la situation de Sa Majesté Danoise, comme Partie accédante à ces Traités après leur conclusion.

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, et Sa Majesté le Roi des Français, acceptent la dite accession; en conséquence, tous les Articles de ces deux Conventions, et toutes les dispositions de leur Annexe, seront censés avoir été convenus, conclus, et signés directement entre Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, Sa Majesté le Roi des Français, et Sa Majesté le Roi de Danemarck.

Leurs dites Majestés s'engagent et se promettent réciproquement d'en exécuter fidèlement toutes les clauses, conditions, et obligations, sauf les réserves et modifications ci-après stipulées; et afin de prévenir toute incertitude, il a été arrêté que les dites Conventions, avec l'Annexe contenant les Instructions pour les croiseurs, seront insérées ici mot-à-mot, ainsi qu'il suit:

[Here follow the Conventions of November, 30, 1831, and March 22, 1833, and the Annex containing the Instructions to Cruizers, which have already been laid before Parliament.]

Article II. Il a été convenu, relativement à l'Article III de la Convention du 30 Novembre, 1831, ci-dessus transcrite, que Sa Majesté le Roi de Danemarck fixera selon ses convenances, le nombre des croiseurs Danois qui seront employés au service mentionné dans le dit Article, et les stations où ils devront croiser.

Article III. Le Gouvernement de Sa Majesté le Roi de Danemarck fera connaître aux Gouvernemens de la Grande Bretagne et de la France, conformément à l'Article IV de la Convention du 30 Novembre, 1831, les bâtimens de guerre Danois qui devront être employés à la répression de la traite, afin d'obtenir pour leurs commandans les mandats nécessaires.

Les mandats que le Danemarck devra délivrer seront expédiés aussitôt que notification du nombre des croiseurs

Britanniques et Français destinés à être employés sera faite au Gouvernement Danois.

Article IV. Il est convenu, en ce qui se rapporte à l'Article V des Instructions annexées à la Convention Supplémentaire du 22 Mars, 1833, que tous les navires Danois qui, par suite des Conventions ci-dessus transcrites, seraient arrêtés par les croiseurs de Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, ou de Sa Majesté le Roi des Français, employés dans la station d'Amérique, seront conduits et remis aux autorités Danoises à Ste. Croix.

Que tous les navires Danois arrêtés par les croiseurs Britanniques ou Français de la station d'Afrique, seront remis aux autorités Danoises au Fort de Christiansbourg sur la Côte d'Or de Guinée.

Et que tout bâtiment sous pavillon Danois, qui serait arrêté par les croiseurs Britanniques ou Français employés dans la station de Madagascar, sera remis aux autorités de l'une ou de l'autre des possessions Danoises ci-dessus mentionnées, ou aux autorités Danoises à Tranquebar aux Indes Orientales, si les circonstances rendent cette dernière destination désirable.

Article V. Le présent Traité sera ratifié, et les ratifications seront échangées à Copenhague dans le délai de trois mois ou plus tôt si faire se peut.

En foi de quoi, les Plénipotentiaires sus-dénommés ont signé le présent Traité en trois originaux, et y ont apposé le sceau de leurs armes.

Fait à Copenhague, le vingt-six Juillet, de l'an de grâce mil huit cent trente-quatre.

(L.S.) H. W. Williams Wynn.
(L.S.) Nap. Lannes, Duc de Montebello.
(L.S.) Hans Krabbe-Carisius.

*

FRANCE.

CONVENTION *between His Majesty and the King of the French for the more effectual suppression of the Traffic in Slaves.—Signed at Paris, 30th November,* 1831.

[Ratifications exchanged at Paris, Dec. 16, 1831.]

LES Cours de la Grande Bretagne et de France désirant rendre plus efficaces les moyens de répression jusqu'à présent opposés au traffic criminel connu sous le nom de Traite des Noirs, ont jugé convenable de négocier et conclure une convention pour atteindre un but si salutaire, et elles ont à cet effet nommé pour leurs Plénipotentiaires, savoir:

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Vicomte Granville, Pair du Parlement, Membre du Conseil Privé, Chevalier Grand Croix du Très Honorable Ordre du Bain, Ambassadeur Extraordinaire et Plénipotentiaire près la Cour de France;

Et Sa Majesté le Roi des Français le Lieutenant-Général Comte Horace Sebastiani, Grand-Croix de l'Ordre de la Légion d'Honneur, Membre de la Chambre des Députés des Départemens, et Ministre et Secrétaire d'Etat au Département des Affaires Etrangères;

Lesquels, après avoir échangé leursl plein-pouvoirs, trouvés en bonne forme, ont signé les Articles suivans;

ARTICLE I. Le droit de visite réciproque pourra être exercée à bord des navires de l'une et de l'autre nation, mais seulement dans les parages ci-après indiqués, savoir:

1°. Le long de la côte occidentale d'Afrique, depuis le Cap Verd jusqu'à la distance de 10 degrés au sud de l'équateur;—c'est à dire, du 10me degré de latitude méridionale au 15me degré de latitude septentrionale, et jusqu'au 30me degré de longitude occidentale à partir du Méridien de Paris.

2°. Tout autour de l'Ile de Madagascar dans une zône d'environ 20 lieues de largeur.

3°. A la même distance des côtes de l'Ile de Cuba.

4°. A la même distance des côtes de l'Ile de Porto Rico.

5°. A la même distance des côtes du Brésil.

Toutefois il est entendu qu'un bâtiment suspect, aperçu et poursuivi par les croiseurs en-dedans du dit cercle de 20 lieues pourra être visité par eux en-dehors même de ces

limites, si ne l'ayant jamais perdu de vue, ceux-ci ne parviennent à l'atteindre qu'à une plus grande distance de la côte.

Article II. Le droit de visiter les navires de commerce de l'une et de l'autre nation, dans les parages ci-dessus indiqués, ne pourra être exercé que par des bâtimens de guerre dont les commandans auront le grade de capitaine ou, au moins, celui de lieutenant de vaisseau.

Article III. Le nombre des bâtimens à investir de ce droit sera fixé chaque année, par une convention spéciale; il pourra n'être pas le même pour l'une et l'autre nation, mais dans aucun cas, le nombre des croiseurs de l'une ne devra être de plus du double de celui des croiseurs de l'autre.

Article IV. Les noms des bâtimens, et ceux de leurs commandans seront communiqués par chacun des Gouvernemens contractans à l'autre, et il sera donné réciproquement avis de toutes les mutations qui pourront survenir parmi les croiseurs.

Article V. Des instructions seront rédigées et arrêtées en commun par les deux Gouvernemens pour les croiseurs de l'une et de l'autre nation, qui devront se prêter une mutuelle assistance dans toutes les circonstances où il pourra être utile qu'ils agissent de concert. Les bâtimens de guerre réciproquement autorisés à exercer la visite, seront munis d'une autorisation spéciale de chacun des deux Gouvernemens.

Article VI. Toutes les fois qu'un des croiseurs aura poursuivi et atteindra, comme suspect, un navire de commerce, le commandant, avant de procéder à la visite, devra montrer au capitaine les ordres spéciaux qui lui confèrent le droit exceptionnel de le visiter; et lorsqu'il aura reconnu que les expéditions seront régulières, et les opérations licites, il fera constater sur le journal du bord, que la visite n'a eu lieu qu'en vertu des dits ordres. Ces formalités étant remplies le navire sera libre de continuer sa route.

Article VII. Les navires capturés pour s'être livrés à la Traite ou comme soupçonnés d'être armés pour cet infâme trafic, seront, ainsi que leurs équipages, remis sans délai à la juridiction de la nation à laquelle ils appartiendront.

Il est d'ailleurs bien entendu qu'ils seront jugés d'après les loix en vigueur dans leurs pays respectifs.

Article VIII. Dans aucun cas le droit de visite réciproque ne pourra s'exercer à bord des bâtimens de guerre de l'une et de l'autre nation.

Les deux Gouvernemens conviendront d'un signal spécial dont les seuls croiseurs investis de ce droit devront être pourvus, et dont il ne sera donné connaissance à aucun autre bâtiment étranger à la croisière.

Article IX. Les Hautes Parties Contractantes au présent Traité sont d'accord pour inviter les autres Puissances Maritimes à y accéder dans le plus bref délai possible.

Article X. La présente Convention sera ratifiée et les ratifications en seront échangées dans le délai d'une mois, ou plus tôt si faire se peut

En foi de quoi les Plénipotentiaires ont signé la présente Convention et y ont apposé le sceau de leurs armes.

Fait à Paris le 30 Novembre, 1831.

(L.S.) GRANVILLE. (L.S.) HORACE SEBASTIANI.

Translation.

THE Courts of Great Britain and of France being desirous of rendering more effectual the means of suppression which have hitherto been in force against the criminal traffic known under the name of the Slave Trade, they have deemed it expedient to negotiate and conclude a Convention for the attainment of so salutary an object; and they have to this end named as their Plenipotentiaries, that is to say,—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable the Lord Viscount Granville, Peer of Parliament, Member of the Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, Ambassador Extraordinary and Plenipotentiary at the Court of France:

And His Majesty the King of the French the Lieutenant-General Count Horace Sebastiani, Grand Cross of the Order of the Legion of Honour, Member of the Chamber of Deputies of the Departments, and Minister and Secretary of State for the Department of Foreign Affairs:—

Who, after having exchanged their full powers, found to be in due form, have signed the following Articles:—

ARTICLE I. The mutual right of search may be exercised on board the vessels of each of the two nations, but only within the waters hereinafter described, namely:

1. Along the western coast of Africa, from Cape Verde to the distance of ten degrees to the south of the equator; that is to say,—from the eighteenth degree of south latitude to the fifteenth degree of north latitude, and as far as the thirtieth degree of west longitude, reckoning from the meridian of Paris.

2. All round the Island of Madagascar, to the extent of twenty leagues from that island.

3. To the same distance from the coasts of the Island of Cuba.

4. To the same distance from the coasts of the Island of Porto Rico.

5. To the same distance from the coasts of Brazil.

It is however understood, that a suspected vessel descried, and begun to be chased by the cruizers whilst within the said space of twenty leagues, may be searched by them beyond those limits, if, without having ever lost sight of her, they should only succeed in coming up with her at a greater distance from the coast.

Article II. The right of searching merchant vessels of either of the two nations on the waters hereinbefore mentioned, shall be exercised only by ships of war, whose commanders shall have the rank of captain, or at least that of lieutenant, in the navy.

Article III. The number of ships to be invested with this right shall be fixed each year, by a special agreement; the number for each nation need not be the same, but in no case shall the number of the cruizers of the one nation be more than double the number of the cruizers of the other.

Article IV. The names of the ships and of their commanders shall be communicated by each of the contracting Governments to the other, and information shall be reciprocally given of all changes which may take place in the cruizers.

Article V. Instructions shall be drawn up and agreed upon in common by the two Governments for the cruizers of both nations, which cruizers shall afford to each other

mutual assistance in all circumstances in which it may be useful that they should act in concert.

The ships of war authorized to exercise the reciprocal right of search shall be furnished with special authority from each of the two Governments.

Article VI. Whenever a cruizer shall have chased and overtaken a merchant vessel as liable to suspicion, the commanding officer, before he proceeds to the search, shall exhibit to the captain of the merchant vessel the special orders which confer upon him, by exception, the right to visit her; and in case he shall ascertain the ship's papers to be regular, and her proceedings lawful, he shall certify upon the log-book of the vessel that the search took place only in virtue of the said order. These formalities having been completed, the vessel shall be at liberty to continue her course.

Article VII. The vessels captured for being engaged in the Slave Trade, or as being suspected of being fitted out for that infamous traffic, shall, together with their crews, be delivered over without delay to the jurisdiction of the nation to which they belong. It is furthermore distinctly understood that they shall only be judged according to the laws in force in their respective countries.

Article VIII. In no case shall the right of mutual search be exercised upon the ships of war of either nation.

The two Governments shall agree upon a particular signal, with which those cruizers only shall be furnished which are invested with this right, and which signal shall not be made known to any other ship not employed upon this service.

Article IX. The High Contracting Parties to the present Treaty agree to invite the other Maritime Powers to accede to it within as short a period as possible.

Article X. The present Convention shall be ratified, and the ratifications of it shall be exchanged within one month, or sooner if it be possible.

In faith of which, the Plenipotentiaries have signed the present Convention, and have affixed thereto the seal of their arms.

Done at Paris, the 30th November, 1831.

(L.S.) GRANVILLE. (L.S.) HORACE SEBASTIANI.

SUPLEMENTARY CONVENTION *between His Majesty and the King of the French, for the more effectual suppression of the Traffic in Slaves.—Signed at Paris, March* 22, 1833.

[Ratifications exchanged at Paris, April 12, 1833.]

HIS Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, having felt the necessity of developing some of the clauses contained in the Convention which was signed between their Majesties on the 30th November, 1831, relating to the suppression of the crime of Slave Trade, have named as their Plenipotentiaries for this purpose, to wit:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Granville, Viscount Granville, Peer of the United Kingdom, Knight Grand Cross of the Most Honourable Order of the Bath, member of the Privy Council of His Britannic Majesty, and his Ambassador Extraordinary and Plenipotentiary to the Court of France;

And His Majesty the King of the French, M. Charles Leonce Achille Victor, Duc de Broglie, Peer of France, Knight of the Royal Order of the Legion of Honour, Minister and Secretary of State for the Department of Foreign Affairs:—

Who, after having exchanged their powers, which have been found in good and due form, have agreed on the following Articles:—

ARTICLE I. Whenever a merchant-vessel, navigating under the flag of one of the two nations, shall have been detained by the cruizers of the other, duly authorized to that effect, conformably to the provisions of the Convention of the 30th November, 1831, such merchant-vessel, as also her master, her crew, her cargo, and the slaves who may be on board, shall be carried to such places as shall have been appointed by the Contracting Parties respectively, in order that proceedings may be there instituted respecting them, agreeably to the laws of each country, and they shall be delivered over to the authorities appointed for that purpose by the respective Governments.

When the commander of the cruizer shall not think

proper to take upon himself the carrying in and delivering up the detained vessel, he shall not entrust that duty to an officer below the rank of lieutenant in the navy.

Article II. The cruizers of the two nations authorized to exercise the right of visit and detention, in execution of the Convention of the 30th of November, 1831, shall, in all that relates to the formalities of the visit and of the detention, as well as to the measures to be taken for delivering up vessels suspected of being engaged in the Slave Trade, to the respective jurisdictions, conform strictly to the Instructions annexed to the present Convention, and which shall be considered as an integral part thereof.

The two High Contracting Parties reserve to themselves the power of making, in these Instructions, by common consent, any modifications which circumstances might render necessary.

Article III. It is clearly understood, that if the commander of a cruizer of one of the two nations should have reason to suspect, that a merchant-vessel navigating under convoy of, or in company with, a vessel of war of the other nation, has engaged in the Slave Trade, or has been fitted out for the said trade, he is to make known his suspicions to the commander of the convoy or vessel of war, who shall proceed alone to visit the suspected vessel: and in case the latter commander should find that the suspicion is well founded, he shall cause the vessel to be taken, together with her master, her crew, and the cargo, and the Slaves who may be on board, into a port of his own nation, in order that proceedings may be instituted with regard to them, agreeably to the respective laws.

Article IV. As soon as any merchant-vessel, detained and sent before the tribunals aforesaid, shall arrive at one of the ports respectively pointed out, the commander of the cruizer which shall have detained her, or the officer appointed to bring her in, shall deliver to the authorities appointed for that purpose, one copy signed by him, of all the lists, declarations, and other documents, specified in the Instructions annexed to the present Convention; and the said authorities shall, in consequence, proceed to a survey of the detained vessel and her cargo, and to an inspection of her crew, and of the Slaves who may

be on board, after having previously given notice of the time of such survey and inspection to the commander of the cruizer, or to the officer who shall have brought in the vessel, in order that he, or some person in his behalf, may be present thereat. A declaration (*procès verbal*) of these proceedings shall be drawn up in duplicate, signed by the persons who shall have acted therein, or been present at the same; and one of the said declarations shall be delivered to the commander of the cruizer, or to the officer who shall have been appointed to bring in the detained vessel.

Article V. The vessels detained as before mentioned, their masters, crews, and cargoes, shall be forthwith proceeded against before the proper tribunals in the respective countries, according to the established forms; and if, in consequence of such proceedings, the said vessels shall be found to have been employed in the Slave Trade, or to have been fitted out for the purposes thereof, the master, the crew, and the accomplices, as well as the ship and cargo, shall be dealt with conformably to the respective laws of the two countries.

In case the said vessels shall be confiscated, a portion of the proceeds arising from their sale shall be paid into the hands of the Government to which the captor belongs, to be distributed among the officers and crew of the capturing ship. This portion shall be sixty-five per cent. of the net produce of the sale, as long as such a distribution of the proceeds is consistent with the respective laws of the two countries.

Article VI. Any merchant-vessel of either of the two nations visited and detained in pursuance of the Convention of the 30th of November, 1831, and of the provisions hereinbefore recited, shall, unless proof be given to the contrary, be held and taken of right to have engaged in the Slave Trade, or to have been fitted out for the purposes of such traffic, if any of the particulars hereinafter specified shall be found in her outfit or equipment, or on board of her, *videlicet:*—

1°. Having her hatches fitted with open gratings, instead of being close hatches, as usual in merchant-vessels.

2°. Having more divisions or bulk-heads in the hold, or on deck, than necessary for trading-vessels.

3°. Having on board spare planks, either actually fitted in that shape, or fit for readily laying a second or moveable deck, or slave-deck.

4°. Having on board shackles, bolts, or hand-cuffs.

5°. Having on board a supply of water, more than sufficient for the consumption of her crew, as a merchant-vessel.

6°. Having on board an unreasonable number of water-casks, or other vessels for holding water, unless the master shall produce a certificate from the custom-house from the place at which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel, that such casks, or other vessels, should only be used for the reception of palm oil, or be employed in any other lawful trade.

7°. Having on board a greater quantity of mess tubs, or kids, than requisite for the use of her crew, as a merchant-vessel.

8°. Having on board two or more copper-boilers, or even one evidently larger than requisite for the use of her crew, as a merchant-vessel.

9°. Having on board a quantity of rice, or farinha, flour of the manioc of Brazil, or cassada, or maize, or Indian corn, beyond any probable requisite provision for the use of her crew, and such rice, flour, maize, or Indian corn, not being entered on the manifest as part of the cargo for trade.

Article VII. No compensation shall in any case be granted either to the master, or to the owner, or to any other person interested in the equipment or lading of a merchant-vessel in which any of the particulars specified in the preceding Article shall be found, even if the tribunals should not pronounce any condemnation in consequence of her detention.

Article VIII. When a merchant-vessel of either of the two nations shall have been visited and detained illegally, or without sufficient cause of suspicion, or when the visit and detention shall have been attended with any abuse or vexatious acts, the commander of the cruizer, or the officer

who shall have boarded the said vessel, or the officer who shall have been appointed to bring her in, as the case may be, shall be liable to costs and damages to the master, and to the owners of the vessel and cargo.

These costs and damages may be awarded by the tribunal before which the proceedings against the detained vessel, her master, crew, and cargo, shall have been instituted; and the Government of the country to which the officer who gave occasion for such award shall belong, shall pay the amount of the said costs and damages within the period of one year from the date of the award.

Article IX. If in the visit or detention of a merchant-vessel, made in virtue of the provisions of the Convention of the 30th November, 1831, or of the present Convention, any abuse or vexation shall have been committed, but the vessel shall not have been delivered over to the jurisdiction of her own nation, the master of the vessel shall make a declaration, on oath, of the abuses or vexations of which he has to complain, and of the costs and damages to which he lays claim, before the competent authorities in the first port of his own country at which he may arrive, or before the consular agent of his nation, if the vessel proceeds to a foreign port where there is such an agent. This declaration shall be confirmed by an examination, under oath, of the principal persons of the crew or passengers who have witnessed the visit or detention; and one formal declaration (*procès-verbal*) of the whole shall be drawn up, and two copies thereof delivered to the master, who shall forward one of them to his own Government in support of his claim for costs and damages. It is understood that if any compulsory circumstances should prevent the master from making his declaration, it may be made by the owner, or by any other person interested in the vessel or in her cargo.

On the official transmission of one copy of the formal declaration (*procès-verbal*) above mentioned, through the channel of the respective embassies, the Government of the country to which the officer charged with abuses or vexations shall belong, shall forthwith institute an enquiry into the matter, and, if the validity of the complaint be admitted, the said Government shall cause to be paid to

the master or owner, or to any other person interested in the vessel which has been molested, or in her cargo, the the amount of costs and damages which may be due to them.

Article X. The two Governments engage reciprocally to communicate each to the other, free of expence, and upon application being made, copies of all the proceedings instituted, and judgments given, relative to vessels visited or detained in execution of the provisions of the Convention of the 30th November, 1831, and of the present Convention.

Article XI. The two Governments agree to ensure the immediate freedom of all Slaves who shall be found on board vessels visited and detained in virtue of the stipulations of the principal Convention hereinbefore referred to, or of the present Convention, whenever the offence of trafficking in Slaves shall have been established by the sentence of the respective tribunals. They reserve to themselves, however, for the welfare of the Slaves themselves, the right to employ them as servants or free labourers, conformably to their respective laws.

Article XII. It is hereby agreed between the two High Contracting Parties, that in all cases in which a vessel, under the Convention of the 30th of November, 1831, or under this Supplementary Convention, shall be detained by their respective cruizers as having been engaged in the Slave Trade, or fitted out for the purposes thereof, and shall be placed at the disposal of either Government for the purpose of being sold, in consequence of a sentence of confiscation pronounced by a competent tribunal, the said vessel shall be broken up, in whole or in part, before the sale, whenever its peculiar construction or outfit shall give reason to fear that it may be again employed in the Slave Trade, or any other illicit traffic.

Article XIII. The present Convention shall be ratified, and the ratifications shall be exchanged at Paris, within the space of one month, or sooner if possible.

In witness whereof the above-named Plenipotentiaries have signed in duplicate the present Convention, and have affixed thereunto the seals of their arms.

Done at Paris, the twenty-second of March, one thousand eight hundred and thirty-three.

GRANVILLE. (L.S.) V. BROGLIO. (L.S.)

Instructions to Cruizers.

1°. Whenever a merchant-vessel of either of the two nations shall be visited by a cruizer of the other, the officer commanding the cruizer shall exhibit to the master of such vessel the special orders which confer upon him the exceptional right of visit, and shall deliver to him a certificate, signed by him, specifying his rank in the navy of his country, with the name of the ship which he commands, and declaring that the only object of such visit is to ascertain whether the vessel is engaged in the Slave Trade, or is fitted out for the purposes of such traffic. When the visit is made by another officer of the cruizer than her commander, this officer shall not be under the rank of lieutenant in the navy; and, in this case, such officer shall exhibit to the master of the merchant-vessel a copy of the special orders above mentioned, signed by the commander of the cruizer, and shall likewise deliver to him a certificate, signed by him, specifying the rank which he holds in the navy, the name of the commander under whose orders he is acting, and of the cruizer to which he belongs, and the object of his visit, as hereinbefore recited. If it shall be ascertained by the visit that the ship's papers are regular, and her proceedings lawful, the officer shall certify upon the log-book of the vessel that the visit took place only in virtue of the special orders above mentioned, and the vessel shall be permitted to continue her course.

2°. If in consequence of the visit, the officer commanding the cruizer shall be of opinion that there are sufficient grounds for believing that the vessel is engaged in the Slave Trade, or has been fitted out for that Traffic, and if he shall, in consequence, determine to detain her, and to have her delivered up to the respective jurisdiction, he shall forthwith cause a list to be made out, in duplicate, of all the papers found on board, and he shall sign this list and the duplicate, adding to his name his rank in the navy, and the name of the vessel under his command. He shall, in like manner, make out and sign, in duplicate, a declara-

tion, stating the place and time of the detention, the name of the vessel, that of her master, and those of the persons composing her crew, and also the number and condition of the Slaves found on board. This declaration shall further contain an exact description of the state of the vessel and her cargo.

3°. The commander of the cruizer shall, without delay, carry or send the detained vessel, with her master, crew, cargo, and the Slaves found on board, to one of the ports hereinafter specified, in order that proceedings may be instituted in regard to them, conformably to the respective laws of each country; and he shall deliver the same to the competent authorities, or to the persons who shall have been specially appointed for that purpose by the respective Governments.

4°. No person whatever shall be taken out of the detained vessel, nor shall any part of her cargo, nor of the Slaves found on board, be removed from her until after such vessel shall have been delivered over to the authorities of her own nation; excepting only when the removal of the whole, or of part of the crew, or of the Slaves found on board, shall be deemed necessary, either for the preservation of their lives, or from any other consideration of humanity, or for the safety of the persons who shall be charged with the navigation of the vessel after her detention. In this case, the commander of the cruizer, or the officer appointed to bring in the detained vessel, shall make a declaration of such removal, in which he shall specify the reasons for the same; and the masters, sailors, passengers, or Slaves so removed, shall be carried to the same port as the vessel and her cargo, and they shall be received in the same manner as the vessel, agreeably to the regulations hereinafter set forth.

5°. All such French vessels as shall be detained by the cruizers of His Britannic Majesty on the African station, shall be carried and delivered up to the French jurisdiction at Goree.

All such French vessels as shall be detained by the British squadron on the West India station, shall be carried and delivered up to the French jurisdiction at Martinique.

All such French vessels as shall be detained by the British squadron on the Madagascar station, shall be car-

ried and delivered up to the French jurisdiction at the Isle of Bourbon.

All such French vessels as shall be detained by the British squadron on the Brizilian station, shall be carried and delivered up to the French jurisdiction at Cayenne.

All such British vessels as shall be detained by the cruizers of His Majesty the King of the French on the African station, shall be carried and delivered up to the jurisdiction of His Britannic Majesty at Bathurst, on the River Gambia.

All such British vessels as shall be detained by the French squadron on the West India station, shall be carried and delivered up to the British jurisdiction at Port Royal, in Jamaica.

All such British vessels as shall be detained by the French squadron on the Madagascar station, shall be carried and delivered up to the British jurisdiction at the Cape of Good Hope.

All such British vessels as shall be detained by the French squadron on the Brazilian station, shall be carried and delivered up to the British jurisdiction at the colony of Demerara.

6°. As soon as a merchant-vessel which shall have been detained as aforesaid, shall arrive at one of the ports or places above mentioned, the commander of the cruizer, or the officer appointed to bring in the detained vessel, shall forthwith deliver to the authorities duly appointed for that purpose by the respective Governments, the vessel and her cargo, together with the master, crew, passengers, and Slaves found on board, as also the papers which shall have been seized on board the vessel, and one of the lists made out in duplicate of the said papers, the other remaining in his possession. Such officer shall, at the same time, deliver to the said authorities one of the declarations made out in duplicate, as hereinbefore specified, adding thereto a statement of any changes which may have taken place from the time of detention to that of the delivery, as well as a copy of the declaration of any removals which may have taken place as above provided for. In delivering over these several documents, the officer will make attestation of their truth on oath, and in writing.

7°. If the commander of a cruizer of either of the High Contracting Parties, who shall be duly furnished with the aforesaid special Instructions, shall have reason to suspect that a merchant-vessel sailing under convoy, or in company with a ship of war of the other party, is engaged in the Slave Trade, or as been fitted out for the purpose of that traffic, he shall confine himself to the communicating his suspicions to the commander of the convoy or of the ship of war, and he shall leave it to the latter to proceed alone to a visit of the suspected vessel, and to deliver her up, if the case require it, to the jurisdiction of her own country.

8°. The cruizers of the two nations shall conform strictly to the tenour of these Instructions, which are to be considered as a development of the clauses of the principal Convention of the 30th November, 1831, as well as of the Convention to which they are annexed.

The undersigned Plenipotentiaries have agreed, in conformity with the Second Article of the Convention signed by them on this day, the 22nd March, 1833, that the preceding Instructions shall be annexed to the said Convention, and considered as an integral part thereof.

Paris, the twenty-second of March, one thousand eight hundred and thirty-three.

GRANVILLE. (L.S.) V. BROGLIO. (L.S.)

SA Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, ayant reconnu la nécessité de développer quelques unes des clauses contenues, dans la Convention signée entre Leurs Majestés le 30 Novembre 1831, relativement à la répression du crime de la Traite des Noirs, ont nommé pour leurs Plénipotentiaires à cet effet, savoir:—

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, le Très Honorable Granville, Vicomte Granville, Pair du Royaume Uni, Chevalier Grand-Croix du Très Honorable Ordre du Bain, Membre du Conseil Privé de Sa Majesté Britannique, et Son Ambassadeur Extraordinaire et Plénipotentiaire près la Cour de France;—

Et Sa Majesté le Roi des Français, M. Charles, Léonce, Achille, Victor, Duc de Broglie, Pair de France, Chevalier de l'Ordre Royal de la Légion d'Honneur, Ministre et Secrétaire d'Etat au Département des Affaires Etrangères:—

Lesquels, après s'être communiqué leurs pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans:—

Article I. Toutes les fois qu'un bâtiment de commerce, naviguant sous le pavillon de l'une des deux nations, aura été arrêté par les croiseurs de l'autre, dûment autorisés à cet effet, conformément aux dispositions de la Convention du 30 Novembre, 1831, ce bâtiment, ainsi que le capitaine et l'équipage, la cargaison, et les Esclaves qui pourront se trouver à bord, seront conduits dans tel port que les deux Parties Contractantes auront respectivement désigné, pour qu'il y soit procédé à leur égard suivant les loix de chaque État, et la remise en sera faite aux autorités préposées dans ce but par les Gouvernemens respectifs.

Lorsque le commandant du croiseur ne croira pas devoir se charger lui-même de la conduite et de la remise du navire arrêté, il ne pourra en confier le soin à un officier d'un rang inférieur à celui de lieutenant dans la marine militaire.

Article II. Les croiseurs des deux nations, autorisés à exercer le droit de visite et d'arrestation, en exécution de la Convention du 30 Novembre, 1831, se conformeront exactement, en ce qui concerne les formalités de la visite et de l'arrestation, ainsi que les mesures à prendre pour la remise à la juridiction respective des bâtimens soupçonnés de se livrer à la Traite, aux Instructions jointes à la présente Convention, et qui seront censées en faire partie intégrante.

Les deux Hautes Parties Contractantes se réservent d'apporter à ces Instructions, d'un commun accord, les modifications que les circonstances pourraient rendre nécessaires.

Article III. Il demeure expressément entendu, que si le commandant d'un croiseur d'une des deux nations avait lieu de soupçonner qu'un navire marchand, naviguant sous le convoi, ou en compagnie d'un bâtiment de guerre de l'autre nation, s'est livré à la Traite, ou a été armé pour ce

trafic, il devra communiquer ses soupçons au commandant du convoi ou du bâtiment de guerre, lequel procédera seul à la visite du navire suspect; et dans le cas où celui-ci reconnaîtrait que les soupçons sont fondés, il fera conduire le navire, ainsi que le capitaine et l'équipage, la cargaison, et les Esclaves qui pourront se trouver à bord, dans un port de sa nation, à l'effet d'être procédé à leur égard, conformément aux loix respectives.

Article IV. Dès qu'un bâtiment de commerce, arrêté et renvoyé par devers les tribunaux, ainsi qu'il a été dit ci-dessus, arrivera dans l'un des ports respectivement désignés, le commandant du croiseur qui en aura opéré l'arrestation, ou l'officier chargé de sa conduite, remettra aux autorités préposées à cet effet, une expédition, signée par lui, de tous les inventaires, procès-verbaux, et autres documens, spécifiés dans les Instructions jointes à la présente Convention; et les dites autorités procèderont, en conséquence, à la visite du bâtiment arrêté et de sa cargaison, ainsi qu'à l'inspection de son équipage, et des Esclaves qui pourront se trouver à bord, après avoir préalablement donné avis du moment de cette visite et de cette inspection au commandant du croiseur, ou à l'officier qui aura amené le navire, afin qu'il puisse y assister, ou s'y faire représenter. Il sera dressé de ces opérations un procès-verbal en double original, qui devra être signé par les personnes qui y auront procédé ou assisté; et l'un de ces originaux sera délivré au commandant du croiseur, ou à l'officier qui aura été chargé de la conduite du bâtiment arrêté.

Article V. Il sera procédé immédiatement devant les tribunaux compétens des Etats respectifs, et suivant les formes établies, contre les navires arrêtés, ainsi qu'il est dit ci-dessus, leurs capitaines, équipages, et cargaisons; et s'il résulte de la procédure que les dits bâtimens ont été employés à la Traite des Noirs, ou qu'ils ont été armés dans le but de faire ce trafic, il sera statué sur le sort du capitaine, de l'équipage, et de leurs complices, ainsi que sur la destination du bâtiment et de sa cargaison, conformément à la législation respective des deux pays.

En cas de confiscation, une portion du produit net de la vente des dits navires et de leurs cargaisons, sera mise à la disposition du Gouvernement du pays auquel appartien-

dra le bâtiment capteur, pour être distribuée par ses soins entre les états-majors et équipages de ce bâtiment. Cette portion, aussi longtems que la base indiquée ci-après pourra se concilier avec la législation de deux états, sera de 65 pour cent du produit net de la vente.

Article VI. Tout bâtiment de commerce des deux nations visité et arrêté en vertu de la Convention du 30 Novembre, 1831, et des dispositions ci-dessus, sera présumé de plein droit, à moins de preuve contraire, s'être livré à la Traite des Noirs, ou avoir été armé pour ce trafic, si dans l'installation, dans l'armement, ou à bord du dit navire, il s'est trouvé l'un des objets ci-après spécifiés, savoir:—

1°. Des écoutilles en treillis, et non en planches entières, comme les portent ordinairement les bâtimens de commerce.

2°. Un plus grand nombre de compartimens dans l'entrepont, ou sur le tillac, qu'il n'est d'usage pour les bâtimens de commerce.

3°. Des planches en réserve actuellement disposées à cet objet, ou propres à établir de suite, un double pont, ou un pont volant, ou un pont dit à Esclaves.

4°. Des chaînes, des colliers de fer, des menottes.

5°. Une plus grande provision d'eau que n'exigent les besoins de l'équipage d'un bâtiment marchand.

6°. Une quantité superflue de bariques à eau, ou autres tonneaux propres à contenir de l'eau, à moins que le capitaine ne produise un certificat de la douane du lieu de départ, constatant que les armateurs ont donné des garanties suffisantes pour que ces bariques ou tonneaux soient uniquement remplis d'huile de palme, ou employés à tout autre commerce licite.

7°. Un plus grand nombre de gamelles ou de bidons, que l'usage de l'équipage d'un bâtiment marchand n'en exige.

8°. Deux ou plusieurs chaudières en cuivre, ou même une seule évidemment plus grande que ne l'exigent les besoins de l'équipage d'un bâtiment marchand.

9°. Enfin, une quantité de riz, de farine, de manioc du Brésil, ou de cassade, de maïs, ou de blé des Indes, au-delà des besoins probables de l'équipage, et qui ne

serait pas portée sur le manifeste comme faisant partie du chargement commercial du navire.

Article VII. Il ne sera dans aucun cas accordé de dédommagement, soit au capitaine, soit à l'armateur, soit à toute autre personne intéressée dans l'armement ou dans le chargement d'un bâtiment de commerce qui aura été trouvé muni d'un des objets spécifiés dans l'Article précédent, alors même que les tribunaux viendraient à ne prononcer aucune condamnation en conséquence de son arrestation.

Article VIII. Lorsqu'un bâtiment de commerce de l'une ou de l'autre des deux nations aura été visité et arrêté indûment, ou sans motif suffisant de suspicion, ou lorsque la visite et l'arrestation auront été accompagnées d'abus ou de vexations, le commandant du croiseur, ou l'officier qui aura abordé le dit navire, ou, enfin, celui à qui la conduite en aura été confiée, sera, suivant les circonstances, passible de dommages et intérêts envers le capitaine, l'armateur, et les chargeurs.

Ces dommages et intérêts pourront être prononcés par le tribunal devant lequel aura été instruite la procédure contre le navire arrêté, son capitaine, son équipage, et sa cargaison; et le Gouvernement du pays auquel appartiendra l'officier qui aura donné lieu à cette condamnation, payera le montant des dits dommages et intérêts dans le délai d'un an à partir du jour du jugement.

Article IX. Lorsque dans la visite ou l'arrestation d'un bâtiment de commerce, opérée en vertu des dispositions de la Convention du 30 Novembre, 1831, ou de la présente Convention, il aura été commis quelque abus ou vexation, mais que le navire n'aura pas été livré à la juridiction de sa nation, le capitaine devra faire la déclaration sous serment des abus ou vexations dont il aura à se plaindre, ainsi que des dommages et intérêts auxquels il prétendra, devant les autorités compétentes du premier port de son pays où il arrivera, ou devant l'agent consulaire de sa nation, si le navire aborde dans un port étranger où il existe un tel officier. Cette déclaration devra être vérifiée au moyen de l'interrogatoire sous serment des principaux hommes de l'équipage ou passagers, qui auront été témoins de la visite ou de l'arrestation, et il sera dressé du tout un procès-

verbal, dont deux expéditions seront remises au capitaine, qui devra en faire parvenir une à son Gouvernement à l'appui de la demande en dommages et intérêts qu'il croira devoir former. Il est entendu qui si un cas de force majeure empêche le capitaine de faire sa déclaration, celle-ci pourra être faite par l'armateur, ou par toute autre personne intéressée dans l'armement ou dans le chargement du navire.

Sur la transmission officielle d'une expédition du procès-verbal ci-dessus mentionnée, par l'intermédiaire des ambassades respectives, le Gouvernement du pays auquel appartiendra l'officier à qui des abus ou vexations seront imputés, fera immédiatement procéder à une enquête; et si la validité de la plainte est reconnue, il fera payer au capitaine, à l'armateur, ou à toute autre personne intéressée dans l'armement ou le chargement du navire molesté, le montant des dommages et intérêts qui lui seront dûs.

Article X. Les deux Gouvernemens s'engagent à se communiquer respectivement sans frais, et sur leur simple demande, des copies de toutes les procédures intentées, et de tous les jugemens prononcés, relativement à des bâtimens visités ou arrêtés en exécution des dispositions de la Convention du 30 Novembre, 1831, et de la présente Convention.

Article XI. Les deux Gouvernemens conviennent d'assurer la liberté immédiate de tous les Esclaves qui seront trouvés à bord des bâtimens visités et arrêtés en vertu des clauses de la Convention principale ci-dessus mentionnée, ou de la présente Convention, toutes les fois que le crime de Traite aura été déclaré constant par les tribunaux respectifs. Néanmoins ils se réservent, dans l'intérêt même de ces Esclaves, de les employer comme domestiques, ou comme ouvriers libres, conformément à leurs loix respectives.

Article XII. Les deux Hautes Parties Contractantes conviennent, que toutes les fois qu'un bâtiment arrêté sous la prévention de Traite par les croiseurs respectifs, en exécution de la Convention du 30 Novembre, 1831, et de la présente Convention Supplémentaire, aura été mis à la disposition des Gouvernemens respectifs, en vertu d'un arrêt de confiscation émané des tribunaux compétens, à

l'effet d'être vendu, le dit navire, préalablement à toute opération de vente, sera démoli, en totalité ou en partie, si sa construction ou son installation particulière donne lieu de craindre qu'il ne puisse de nouveau servir à la Traite des Noirs, ou à tout objet illicite.

Article XIII. La présente Convention sera ratifiée, et les ratifications en seront échangées à Paris dans le délai d'un mois, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires ci-dessus nommés ont signé la présente Convention en double original, et y ont apposé le cachet de leurs armes.

Fait à Paris, le vingt-deux Mars, mil huit cent trente-trois.

GRANVILLE. (L.S.) V. BROGLIE. (L.S.)

Instructions pour les Croiseurs.

1°. Toutes les fois qu'un bâtiment de commerce de l'une des deux nations sera visité par un croiseur de l'autre, l'officier commandant le croiseur exhibera au capitaine de ce navire les ordres spéciaux qui lui confèrent le droit exceptionnel de visite, et lui remettra un certificat, signé de lui, indiquant son rang dans la marine militaire de son pays, ainsi que le nom du vaisseau qu'il commande, et attestant que le seul but de sa visite est de s'assurer si le bâtiment se livre à la Traite, ou s'il est armé pour ce trafic. Lorsque la visite devra être faite par un officier du croiseur, autre que celui qui le commande, cet officier ne pourra être d'un rang inférieur à celui de lieutenant dans la marine militaire ; et dans ce cas, le dit officier exhibera au capitaine du navire marchand une copie des ordres spéciaux ci-dessus mentionnés, signée par le commandant du croiseur, et lui remettra de même un certificat, signé de lui, indiquant le rang qu'il occupe dans la marine, le nom du commandant par les ordres duquel il agit, celui du croiseur auquel il appartient, et le but de la visite, ainsi qu'il est dit ci-dessus. S'il est constaté que les expéditions du navire sont régulières, et ses opérations licites, l'officier mentionnera sur le journal de bord, que la visite n'a eu lieu

qu'en vertu des ordres spéciaux ci-dessus mentionnés, et le navire sera libre de continuer sa route.

2°. Si, d'après le résultat de la visite, l'officier commandant le croiseur juge qu'il y a des motifs suffisans de supposer que le navire se livre à la Traite des Noirs, ou qu'il a été équipé ou armé pour ce trafic, et s'il se décide, en conséquence, à l'arrêter, et à le faire remettre à la juridiction respective, il fera dresser sur-le-champ, en double original, inventaire de tous les papiers trouvés à bord, et signera cet inventaire sur les deux originaux, en ajoutant à son nom, son rang dans la marine militaire, ainsi que le nom du bâtiment qu'il commande. Il dressera et signera de la même manière, en double original, un procès-verbal énonçant l'époque et le lieu de l'arrestation, le nom du bâtiment, celui de son capitaine, et ceux des hommes de son équipage, ainsi que le nombre et l'état corporel des Esclaves trouvés à bord. Ce procès-verbal devra en outre contenir une description exacte de l'état du navire et de sa cargaison.

3°. Le commandant du croiseur conduira ou enverra sans délai, le bâtiment arrêté, ainsi que son capitaine, son équipage, sa cargaison, et les Esclaves trouvés à bord, à l'un des ports ci-après spécifiés, pour qu'il soit procédé à leur égard conformément aux loix respectives de chaque Etat ; et il en fera la remise aux autorités compétentes, ou aux personnes qui auront été spécialement préposées à cet effet par les Gouvernemens respectifs.

4°. Nul ne devra être distrait du bord du navire arrêté, et il ne sera enlevé non plus aucune partie de la cargaison, ou des Esclaves trouvés à bord, jusqu'à ce que le navire ait été remis aux autorités de sa propre nation, excepté dans le cas où la translation de la totalité ou d'une partie de l'équipage, ou des Esclaves trouvés à bord, serait jugée nécessaire, soit pour conserver leur vie, ou par toute autre considération d'humanité, soit pour la sûreté de ceux qui seront chargés de la conduite du navire après son arrestation. Dans ce cas, le commandant du croiseur, ou l'officier chargé de la conduite du bâtiment arrêté, dressera de la dite translation un procès-verbal, dans lequel il en énoncera les motifs, et les capitaines, matelots, passagers, ou Esclaves ainsi transbordés, seront conduits dans le même

port que le navire et sa cargaison; et la remise, ainsi que la réception, auront lieu de la même manière que celles du navire, conformément aux dispositions ci-après énoncées.

5°. Tous les navires Français qui seront arrêtés par les croiseurs de Sa Majesté Britannique de la station d'Afrique, seront conduits et remis à la juridiction Française à Gorée.

Tous les navires Français qui seront arrêtés par la station Britannique des Indes Occidentales, seront conduits et remis à la juridiction Française à Martinique.

Tous les navires Français qui seront arrêtés par la station Britannique de Madagascar, seront conduits et remis à la juridiction Française à l'Ile Bourbon.

Tous les navires Français qui seront arrêtés par la station Britannique du Brésil, seront conduits et remis à la juridiction Française à Cayenne.

Tous les navires Britanniques qui seront arrêtés par les croiseurs de Sa Majesté le Roi des Français de la station d'Afrique, seront conduits et remis à la juridiction de Sa Majesté Britannique à Bathurst dans la Rivière de Gambie.

Tous les bâtimens Britanniques arrêtés par la station Française des Indes Occidentales, seront conduits et remis à la juridiction Britannique à Port Royal dans La Jamaïque.

Tous les navires Britanniques arrêtés par la station Française de Madagascar, seront conduits et remis à la juridiction Britannique au Cap de Bonne Espérance.

Tous les navires Britanniques arrêtés par la station Française du Brésil, seront conduits et remis à la juridiction Britannique à la colonie de Demerary.

6°. Dès qu'un bâtiment marchand qui aura été arrêté, comme il a été dit ci-dessus, arrivera dans l'un des ports ou des lieux ci-dessus désignés, le commandant du croiseur, ou l'officier chargé de la conduite du navire arrêté, remettra immédiatement aux autorités dûment préposées à cet effet par les Gouvernemens respectifs, le navire et sa cargaison, ainsi que le capitaine, l'équipage, les passagers et les Esclaves trouvés à bord, comme aussi les papiers saisis à bord, et l'un des deux exemplaires de l'inventaire des dits papiers, l'autre devant demeurer dans sa possession. Le dit officier remettra en même tems à ces autorités un exemplaire du procès-verbal ci-dessus mentionné, et il y ajoutera un rapport sur les changemens qui pourraient

avoir lieu depuis le moment de l'arrestation jusqu'à celui de la remise, ainsi qu'une copie du rapport des transbordemens qui ont pu avoir lieu, ainsi qu'il a été prévu ci-dessus. En remettant ces diverses pièces, l'officier en attestera la sincérité sous serment, et par écrit.

7°. Si le commandant d'un croiseur d'une des Hautes Parties Contractantes, dûment pourvu des Instructions spéciales ci-dessus mentionnées, a lieu de soupçonner qu'un navire de commerce naviguant sous le convoi, ou en compagnie d'un bâtiment de guerre de l'autre partie, se livre à la Traite des Noirs, ou a été équipé pour ce trafic, il devra se borner à communiquer ses soupçons au commandant du convoi ou du bâtiment de guerre, et laisser à celui-ci le soin de procéder seul à la visite du navire suspect, et de le placer, s'il y a lieu, sous la main de la justice de son pays.

8°. Les croiseurs des deux nations se conformeront exactement à la teneur des présentes Instructions, qui servent de développement aux dispositions de la Convention principale du 30 Novembre, 1831, ainsi que de la Convention à laquelle elles sont annexées.

Les Plénipotentiaires soussignés sont convenus, conformément à l'Article Deux de la Convention signée entre eux sous la date de ce jour, le 22 Mars, 1833, que les Instructions qui précèdent seront annexées à la dite Convention, pour en faire partie integrante.

Paris, le vingt-deux Mars, mil huit cent trente-trois.

GRANVILLE. (L.S.) V. BROGLIE. (L.S.)

HANS TOWNS.

CONVENTION *between His Majesty, the King of the French, and the Hans Towns, containing the Accession of the Hans Towns to two Conventions between Great Britain and France, for the more effectual suppression of the Slave Trade.—Signed at Hamburgh, June* 9, 1837.

[Ratifications exchanged at Hamburgh, Sept. 12, 1837.]

HIS Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the

French, having concluded on the 30th of November, 1831, and the 22nd of March, 1833, two Conventions, intended to ensure the complete suppression of the Slave Trade;

The High Contracting Parties, conformably to the IXth Article of the first of these Conventions, which states that the other Maritime Powers shall be invited to accede to it, have addressed this invitation to the Senates of the Free Hanseatic Cities of Lubeck, Bremen, and Hamburgh;

And the Senates of the Free Hanseatic Cities, animated with the same sentiments, and earnest to concur with these two august Powers in the same humane object, having without hesitation assented to their proposal;

Their said Majesties, and the Senates of the Hanseatic Cities, with the view of accomplishing this generous design, and of giving due authenticity and all accustomed solemnity to the accession of the Hanseatic Cities, and to the acceptance thereof by His Britannic Majesty, and by His Majesty the King of the French, have resolved to conclude to this effect a formal Convention, and have in consequence named for their Plenipotentiaries, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, Henry Canning, Esquire, his Chargé d'Affaires and Consul-General at the Hanseatic Cities;

His Majesty the King of the French, Baron Alexander Lasalle, Chevalier of the Legion of Honour, his Chargé d'Affaires at the Hanseatic Cities;

And the Senates of the Free Hanseatic Cities of Lubeck, Bremen, and Hamburgh, Doctor Karl Sieveking, Syndic of the City of Hamburgh;

Who, after having reciprocally exchanged their full powers, found to be in good and due form, have agreed upon the following Articles:—

ARTICLE I. The Senates of the Free Hanseatic Cities of Lubeck, Bremen, and Hamburgh, accede to the Conventions concluded and signed on the 30th November, 1831, and on the 22nd of March, 1833, between His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, relating to the suppression of the Slave Trade, as well as to the Annex of the latter Convention, containing Instructions to cruizers, —excepting the reservations and modifications expressed in the IInd, IIIrd, and IVth Articles hereinafter given,

which Articles shall be considered additional to the said Conventions, and to the Annex above mentioned, and excepting the differences which necessarily result from the situation of the Hanseatic Cities, as parties acceding to the Conventions in question after their conclusion.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, having accepted the said Accession, all the Articles of these two Conventions, and all the conditions of the said Annex, shall, in consequence, be held to have been concluded and signed, in the same manner as the present Convention, directly between His Majesty the King of the United Kingdom of Great Britain and Ireland, His Majesty the King of the French, and the Senates of the Free Hanseatic Cities of Lubeck, Bremen, and Hamburgh.

Their said Majesties and the Senates of the Free Hanseatic Cities engage and promise, reciprocally, to fulfil faithfully, excepting the reservations and modifications hereby stipulated, all the clauses, conditions, and obligations which result therefrom; and in order to prevent any uncertainty, it has been agreed that the above-mentioned Conventions, and the Annex of the latter, containing Instructions to cruizers, shall be inserted here, word for word, as follows:—

[Here follow the Conventions of November 30, 1831, and March 22, 1833, and the Annex, containing the Instructions to cruizers, which have already been laid before Parliament.]

Article II. It is agreed, with reference to the Vth Article of the Instructions annexed to the Supplementary Convention of March 22nd, 1833, that all vessels bearing the flag of Lubeck, and which appear by their papers to belong to Lubeck, which may be detained, in execution of the Conventions herein-above transcribed, by the cruizers of His Majesty the King of the United Kingdom of Great Britain and Ireland, or of His Majesty the King of the French, employed on the stations of America, of Africa, or of Madagascar, shall be conducted or sent to the port of Travemunde;—all vessels bearing the flag of Bremen, and

which appear by their papers to belong to Bremen, which may in like manner be detained, shall be conducted or sent to the port of Bremerhaven;—and all vessels bearing the flag of Hamburgh, which may in like manner be detained, shall be conducted or sent to the port of Cuxhaven. In case the navigation of the Baltic should be interrupted or impracticable, the three Senates agree to fix Bremerhaven and Cuxhaven as the ports to which Lubeck vessels, detained as above mentioned, may be conducted or sent.

Article III. Whereas the landing at the above-mentioned ports of Slaves who are found on board vessels bearing the Hanseatic flag, and which appear by their papers to belong to the said Hanseatic Cities, or to any one of them, might be attended with great inconvenience,—it is agreed that the Slaves on board of any such vessel, detained by a British or French cruizer, shall be previously landed at the place or port, the nearest (be it British or French) to which a Slave vessel, under the flag of one of those two nations, found and detained under similar circumstances, would, according to the above-mentioned Conventions, be conducted or sent. The British ports of Bathurst on the Gambia, Port Royal in Jamaica, the Cape of Good Hope, and Demerara, as well as the French ports of la Gorée, Martinique, Bourbon, and Cayenne, shall be considered as respectively fixed on for this purpose, for the British and French cruizers in Africa, the West Indies, Madagascar, and the Brazils.

Article IV. If the Senates of the Free Hanseatic Cities should not deem it expedient to fit out cruizers of their own for the repression of the Trade, they, nevertheless, engage to furnish the special authority or warrants required by the Vth Article of the Convention of the 30th of November, 1831, to the Commanders of British and French cruizers, as soon as the names and the number thereof are notified to them.

Article V. The present Convention shall be ratified, and the ratifications shall be exchanged at Hamburgh in the space of three months, or sooner if possible.

In witness whereof the above-named Plenipotentiaries have signed the present Convention, in five originals, and have affixed thereto the seal of their arms.

Done at Hamburgh, the 9th of June, one thousand eight hundred and thirty-seven.

HENRY CANNING.	BARON LASALLE.	K. SIEVEKING.
(L.S.)	(L.S.)	(L.S.)

SA Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, ayant conclu, le 30 Novembre, 1831, et le 22 Mars, 1833, deux Conventions, destinées à assurer la répression complète de la Traite des Noirs;

Les Hautes Parties Contractantes, conformément à l'Article IX de la première de ces Conventions, qui porte que les autres Puissances Maritimes seront invitées à y accéder, ont adressé cette invitation aux Sénats des Villes Libres Anséatiques de Lubeck, Brême, et Hambourg;

Et les Sénats des Villes Libres Anséatiques, animés des mêmes sentimens, et empressés de concourir avec ces deux augustes Puissances au même but d'humanité, n'ayant pas hésité à accueillir leur proposition;

Leurs dites Majestés, et les Sénats des Villes Anséatiques, dans la vue d'accomplir ce dessein généreux, et pour donner à l'Accession des Villes Anséatiques, ainsi qu'à son acceptation par Sa Majesté Britannique, et par Sa Majesté le Roi des Français, l'authenticité convenable et toute la solennité usitée, ont résolu de conclure à cet effet une Convention formelle, et ont en conséquence nommé pour leurs Plénipotentiaires, savoir:—

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, Monsieur Henry Canning, son Chargé d'Affaires et Consul-Général près les Villes Anséatiques;

Sa Majesté le Roi des Français, Monsieur le Baron Alexandre Lasalle, Chevalier de la Légion d'Honneur, son Chargé d'Affaires près les Villes Anséatiques;

Et les Sénats des Villes Libres Anséatiques de Lubeck, Brême, et Hambourg, Monsieur Charles Sieveking, Docteur en droit, Syndic de la Ville de Hambourg:

Lesquels, après avoir échangé réciproquement leur pleinspouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans:—

ARTICLE I. Les Sénats des Villes Libres Anséatiques de Lubeck, Brême, et Hambourg, accèdent aux Conventions conclues et signées le 30 Novembre, 1831, et le 22 Mars, 1833, entre Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, relativement à la répression de la Traite des Noirs, ainsi qu'à l'Annexe de la seconde Convention, contenant les Instructions pour les croiseurs,—sauf les réserves et modifications exprimées dans les Articles II, III, et IV ci-après, qui seront considérés comme additionnels aux dites Conventions, et à l'Annexe susmentionnée, sauf les différences qui résultent nécessairement de la situation des Villes Anséatiques, comme parties accédantes aux Conventions en question après leur conclusion.

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, ayant accepté la dite Accession, tous les Articles de ces deux Conventions, et toutes les dispositions de la dite Annexe, seront en conséquence censés avoir été conclus et signés, de même que la présente Convention, directement entre Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté le Roi des Français, et les Sénats des Villes Libres et Anséatiques de Lubeck, Brême, et de Hambourg.

Leurs dites Majestés et les Sénats de Villes Libres et Anséatiques s'engagent et promettent, réciproquement, d'exécuter fidèlement, sauf les réserves et modifications stipulées par les présentes, toutes les clauses, conditions, et obligations qui en résultent; et pour éviter toute incertitude, il a été convenu, que les susdites Conventions, ainsi que l'Annexe de la seconde, contenant les Instructions pour les croiseurs, seront insérées ici, mot à mot, ainsi qu'il suit:—

[Here follow the Conventions of November 30, 1831, and March 22, 1833, and the Annex, containing the Instructions to cruizers, which have already been laid before Parliament.]

Article II. Il est convenu, en ce qui concerne l'Article V des Instructions annexées à la Convention Supplémentaire du 22 Mars, 1833, que tous les navires portant le pavillon de Lubeck, et paraissant par leurs papiers appar-

tenir à Lubeck, qui pourront être arrêtés, en exécution des Conventions ci-dessus transcrites, par les croiseurs de Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, ou de Sa Majesté le Roi des Français, employés dans les stations d'Amérique, d'Afrique, ou de Madagascar, seront conduits ou envoyés dans le port de Travemunde; —que tous les navires portant le pavillon de Brême, et paraissant par leurs papiers appartenir à Brême, qui pourront être arrêtés de même, seront conduits ou envoyés dans le port de Bremerhaven;—et que tous les navires portant le pavillon de Hambourg, et paraissant par leurs papiers appartenir à Hambourg, qui pourront être arrêtés de même, seront conduits ou envoyés dans le port de Cuxhaven. Dans le cas où la navigation de la Baltique serait interrompue ou impraticable, les trois Sénats s'accordent à indiquer Bremerhaven et Cuxhaven comme les ports où pourront être conduits ou envoyés les navires Lubecquois, arrêtés comme ci-dessus mentionné.

Article III. Attendu que le débarquement dans les ports susmentionnés des Nègres qui se trouveraient à bord de bâtimens portant le pavillon Anséatique, et paraissant par leurs papiers appartenir aux dites Villes Anséatiques, ou à l'une d'elles, pourrait entraîner de graves inconvéniens, il est convenu, que les Nègres trouvés à bord d'un pareil navire, arrêté par un croiseur Britannique ou Français, seront préalablement débarqués au port, au dans l'endroit le plus rapproché, soit Britannique ou Français, auquel un bâtiment négrier, sous le pavillon d'une de ces deux nations, trouvé et arrêté dans les circonstances semblables, serait, d'après les susdites Conventions, envoyé ou conduit. Seront considérés comme respectivement indiqués à cet effet pour les croisières Britanniques et Françaises d'Afrique, des Indes Occidentales, de Madagascar, et du Brésil, les ports Britanniques de Bathurst dans le Gambié, Port Royal à La Jamaïque, le Cap de la Bonne Espérance, et Demerara, ainsi que les ports Français de La Gorée, de La Martinique, de Bourbon, et de Cayenne.

Article IV. Dans le cas où les Sénats des Villes Libres Anséatiques ne trouveraient pas dans leurs convenances d'armer sous leurs pavillons des croiseurs pour la suppression de la Traite, ils s'engagent, néanmoins, à fournir

aux commandans des croiseurs Britannique et Français les autorisations requises par l'Article V de la Convention du 30 Novembre, 1831, aussitôt que les noms et le nombre de ces croiseurs leur aura été notifié.

Article V. La présente Convention sera ratifiée, et les ratifications en seront échangées à Hambourg dans le délai de trois mois, ou plus tôt s'il est possible.

En foi de quoi les Plénipotentiaires sus-dénommés ont signé la présente Convention en cinq originaux, et y ont apposé le cachet de leurs armes.

Fait à Hambourg, le 9 Juin, mil huit cent trente-sept.

HENRY CANNING. (L.S.) BARON LASALLE. (L.S.) K. SIEVEKING. (L.S.)

HAYTI.

CONVENTION *between Her Majesty and the Republic of Hayti, containing the Accession of that Republic to two Conventions between Great Britain and France, for the more effectual suppression of the Slave Trade.—Signed at Port-au-Prince, December* 23, 1839.

[Ratifications exchanged at Port-au-Prince, Oct. 20, 1840.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland having, conformably to the IXth Article of the Convention concluded on the 30th of November, 1831, between Great Britain and France, for the suppression of the Slave Trade, invited the President of the Republic of Hayti to accede to the said Convention;

And the President of the Republic of Hayti, equally animated with the desire to concur in the same humane object, having cordially assented to this proposal;

The two High Powers, with the view of accomplishing this generous design, and of giving due authenticity, and all accustomed solemnity, to the accession of the President of the Republic of Hayti, and to the acceptance thereof by Her Britannic Majesty, have resolved to conclude to this effect a formal Convention, and have in consequence named for their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, George William Conway Cour-

tenay, Esquire, a captain in her navy, and her Consul in Hayti;

And the President of the Republic of Hayti, the Senator Noël Viallet;

Who, after having reciprocally communicated to each other their full powers, found to be in good and due form, have agreed upon the following Articles:—

ARTICLE I. The President of the Republic of Hayti accedes to the Conventions concluded and signed on the 30th of November, 1831, and on the 22nd of March, 1833, between His late Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, relating to the suppression of the Slave Trade, as well as to the Annex of the latter Convention containing Instructions to Cruizers, excepting the reservations and modifications expressed in the Articles II, III, IV, and V, hereinafter given, which Articles shall be considered Additional to the said Conventions and to the Annex above mentioned; and excepting the differences which necessarily result from the situation of the President of the Republic of Hayti, as a party acceding to these Conventions after their conclusion.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland accepts the Accession of the President of the Republic of Hayti.

Therefore, all the Articles of the two Conventions aforesaid, and all the conditions of the said Annex, shall, excepting the reservations and modifications aforesaid, be held to have been concluded and signed, in the same manner as the present Convention, directly between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the Republic of Hayti.

The High Contracting Parties engage and promise reciprocally to each other, to execute faithfully all the clauses, conditions, and obligations of the present Convention, subject always to the reservations and modifications therein contained; and in order to prevent any uncertainty, it has been agreed that the above-mentioned Conventions, and the Annex of the latter, containing Instructions to Cruizers, shall be inserted here, word for word, as follows:—

[Here follow the Conventions of November 30, 1831, and March 22, 1833, and the Annex, containing the Instructions to cruizers, which have already been laid before Parliament.]

Article II. It is agreed, with reference to the Vth Article of the Instructions annexed to the Supplementary Convention of the 22nd of March, 1833, that all vessels bearing the Haytian flag, and appearing by their papers to belong to Hayti, which shall be detained in execution of the Conventions above described, by the cruizers of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, shall be conducted or sent to Port-au-Prince, capital of the Republic of Hayti.

Article III. If the Republic of Hayti should not deem it expedient to fit out cruizers for the suppression of the Slave Trade, it nevertheless engages to furnish the special authority or warrant required by the Vth Article of the Convention of the 30th November, 1831, to the commanders of the British cruizers, as soon as the names and the number thereof shall have been notified to the Republic.

Article IV. Whereas the Islands of Cuba and of Porto Rico are only separated from the Island of Hayti by a narrow straight each; and whereas the Republic of Hayti, as a free, sovereign, and independent State, possesses the exclusive right of police within its own waters; it is agreed that, by exception to Nos. 3 and 4 of Article I of the Convention of the 30th November, 1831, British cruizers shall not search Haytian vessels navigating within that half of one or the other straight contiguous to the coasts of Hayti.

Article V. It is also agreed:

1st. That Article II of the Convention of the 30th of November, 1831, Article I of the Convention of the 22nd of March, 1833, and No. 1 of the Instructions thereunto annexed, shall, as far as the commanders of Haytian cruizers are concerned, be understood in this sense, that the said commanders shall be of the ranks therein specified, or of corresponding ranks.

2nd. That by exception to Article V of the Convention of the 22nd March, 1833, that portion of the net produce

of the sale of the captured vessels and of their cargoes, which falls to the share of the British cruizers, shall, conformably to the Haytian laws, be only fifty per cent. of the net produce of the sale; and it is further understood that no kind of head money will be due by the Haytian Government on captives found on board the said ships, and landed in the Republic.

3rd. That the last paragraph of Article XI of the Convention of the 22nd March, 1833, viz., "*They reserve to "themselves, however, for the welfare of the Slaves them-"selves, the right to employ them as servants or free "labourers, conformably to their respective laws,*" shall be held null and void as regards the Haytian Government, inasmuch as the liberty they will enjoy in Hayti will, conformably to the intention of the constitution, be full, entire, and without restraint; and as, according to a law passed on the 19th of November last, the Republic has proclaimed that it will provide for their welfare.

Article VI. The present Convention shall be ratified, and the ratifications thereof shall be exchanged at Port-au-Prince within the space of six months, or sooner if possible.

In witness whereof the above-named Plenipotentiaries have signed the present Convention, and have affixed thereto the seals of their arms.

Done at Port-au-Prince, the twenty-third of December, one thousand eight hundred and thirty-nine.

(L.S.) G. W. C, COURTENAY.
(L.S.) N. VIALLET.

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande ayant, en conformité de l'Article IX de la Convention conclue le 30 Novembre, 1831, entre la Grande Bretagne et la France, pour la répression de la Traite, invité le Président de la République d'Haïti à accéder à la dite Convention;

Et le Président de la République d'Haïti, également animé du désir de coopérer au même but d'humanité, s'étant empressé d'accueillir cette proposition;

Les deux Hautes Puissances, dans la vue d'accomplir ce dessein généreux, et pour donner à l'Accession du Président de la République d'Haïti, ainsi qu'à son acceptation par Sa Majesté Britannique, l'authenticité convenable, et toute la solennité usitée, ont résolu de conclure à cet effet une Convention formelle, et ont en conséquence nommé pour leurs Plénipotentiaires, savoir :—

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Sieur George William Conway Courtenay, Ecuyer, capitaine dans la marine royale, et son Consul en Haïti ;

Et le Président de la République d'Haïti, le Sénateur Noël Viallet ;

Lesquels, après s'être communiqué réciproquement leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans :—

Article I. Le Président de la République d'Haïti accède aux Conventions conclues et signées le 30 Novembre, 1831, et le 22 Mars, 1833, entre feu Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, relativement à la répression de la Traite, ainsi qu'à l'Annexe de la seconde Convention contenant les Instructions pour les croiseurs ; sauf les réserves et modifications exprimées dans les Articles II, III, IV, et V ci-après, qui seront considérés comme Additionnels aux dites Conventions, et à l'Annexe susmentionnée ; et sauf les différences qui résultent nécessairement de la situation du Président de la République d'Haïti, comme partie accédante aux Conventions en question après leur conclusion.

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande accepte l'Accession du Président de la République d'Haïti.

En conséquence, tous les Articles des deux Conventions susdites, et toutes les dispositions de l'Annexe susmentionnée, sauf les réserves et modifications dont il est ci-dessus parlé, seront censés avoir été conclus et signés, de même que la présente Convention, directement entre Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et le Président de la République d'Haïti.

Les Hautes Parties Contractantes s'engagent et promettent réciproquement d'exécuter fidèlement, sauf les réserves et modifications exprimées aux présentes, toutes les clauses, conditions, et obligations qui y sont stipulées; et pour éviter toute incertitude, il a été convenu que les susdites Conventions, ainsi que l'Annexe de la seconde Convention, contenant les Instructions pour les Croiseurs, seront insérées ici mot-à-mot, ainsi qu'il suit :—

[Here follow the Conventions of November 30, 1831, and March 22, 1833, and the Annex, containing the Instructions to cruizers, which have already been laid before Parliament.]

Article II. Il est convenu, en ce qui concerne l'Article V des Instructions annexées à la Convention Supplémentaire du 22 Mars, 1833, que tous les navires portant le pavillon Haïtien, et paraissant par leurs papiers appartenir à Haïti, qui pourront être arrêtés, en exécution des Conventions ci-dessus transcrites, par les croiseurs de Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, seront conduits ou envoyés au Port-au-Prince, capitale de la République d'Haïti.

Article III. Dans le cas où la situation de la République d'Haïti ne lui permettrait pas d'armer des croiseurs pour la répression de la Traite, elle s'engage néanmoins à fournir aux commandans des croiseurs Britanniques les autorisations réquises par l'Article V de la Convention du 30 Novembre, 1831, aussitôt que les noms et le nombre de ces croiseurs lui auront été notifiés.

Article IV. Attendu que les Iles de Cuba et de Porto Rico ne sont chacune séparées de l'Ile d'Haïti que par un canal de peu d'étendue; et attendu que la République d'Haïti, comme Etat libre, souverain, et indépendant, a le droit exclusif de police dans ses eaux; il est convenu que, par exception aux Nos. 3 et 4 de l'Article I de la Convention du 30 Novembre, 1831, les croiseurs Britanniques ne pourront point visiter les bâtimens Haïtiens naviguant dans cette moitié de l'un et de l'autre canal qui baigne les côtes d'Haïti.

Article V. Il est aussi convenu :

1°. Que l'Article II de la Convention du 30 Novembre,

1831, l'Article I de la Convention du 22 Mars, 1833, et le No. 1 des Instructions y annexées, seront, en ce qui concerne les commandans des croiseurs Haïtiens, modifiés en ce sens, que les dits commandans auront, soit les grades y mentionnés, soit des grades correspondans.

2°. Que par exception à l'Article V de la Convention du 22 Mars, 1833, la portion du produit net de la vente des navires capturés et de leurs cargaisons, qui sera dévolue aux croiseurs Britanniques, ne sera, conformément à la législation Haïtienne, que de cinquante pour cent du produit net de la vente; et qu'il est bien compris qu'il ne leur sera dû par le Gouvernement Haïtien aucune espèce de prime, à raison des captifs trouvés dans les dits navires, et débarqués sur le sol de la République.

3°. Que la dernière disposition de l'Article XI de la Convention du 22 Mars, 1833, ainsi conçue: "*Néanmoins "ils se réservent, dans l'intérêt même de ces Esclaves, de les "employer comme domestiques ou comme ouvriers libres, con-"formément à leurs lois respectives,*" sera réputée nulle et non avenue à l'égard du Gouvernement Haïtien, attendu que la liberté dont ils jouiront en Haïti, sera, conformément au vœu de la constitution, pleine, entière, et sans aucune restriction; et que, d'après une loi du 19 Novembre dernier, la République a proclamé qu'elle pourvoirait à leur bien-être.

Article VI. La présente Convention sera ratifiée, et les ratifications en seront échangées au Port-au-Prince dans le délai de six mois, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires susdénommés ont signé la présente Convention, et y ont apposé leurs cachets.

Fait au Port-au-Prince, le vingt-trois Décembre, mil huit cent trente-neuf.

(L.S.) G. W. C. COURTENAY.
(L.S.) N. VIALLET.

MEXICO.

TREATY *between Her Majesty and the Mexican Republic, for the abolition of the Traffic in Slaves.—Signed at Mexico, February* 24, 1841.

[Ratifications exchanged at London, July 29, 1842.]

In the Name of the Most Holy Trinity.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Excellency the President of the Mexican Republic, being animated by a sincere desire to co-operate for the total extinction of the barbarous Traffic in Slaves, have resolved to conclude a Treaty for the special purpose of immediately attaining this object, and have named, respectively, as their Plenipotentiaries, to wit:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Richard Pakenham, Esquire, her Minister Plenipotentiary to the Mexican Government; and his Excellency the President of the Mexican Republic, his Excellency Don Luis Gonzaga Cuevas, Envoy Extraordinary and Minister Plenipotentiary from that Republic at the Court of London:

Who, after having communicated to each other their respective full powers, and found them to be in good and proper form, have agreed upon and concluded the following Articles:—

ARTICLE I. The Slave Trade is declared by this Treaty to be totally and perpetually abolished in all parts of the world, on the part of the Mexican Republic, as are already Slavery in the Mexican territory, and the aforesaid Traffic in Slaves on the part of Great Britain.

Article II. The Government of Mexico engages to take, immediately after the exchange of the ratifications of the present Treaty, and subsequently, from time to time when it may be necessary, the most effectual measures to prevent the citizens of the Mexican Republic from being concerned in the Slave Trade, and the flag of the said Republic from being employed in any way in carrying on that traffic; and binds itself specially to procure from the

National Congress, as soon as possible, a penal law by which the severest punishment shall be imposed on all citizens of the Republic who shall, under whatsoever pretext, take any part in the aforesaid Traffic in Slaves.

Article III. The Mexican Government engages to propose in the National Congress a law, which shall declare to be pirates all such citizens of the Republic as may be engaged in the Slave Trade, as well as all such individuals as may carry it on under the national flag. And Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Excellency the President of the Republic, mutually bind themselves to promulgate or propose in their respective legislatures, the most suitable measures for immediately carrying into execution the laws of piracy, which are to be applicable to the said traffic, in conformity with the legislative enactments of each of the two countries, with respect to the vessels and subjects or citizens of the two nations.

Article IV. In order to prevent completely all infringement of the spirit of the present Treaty, the two High Contracting Parties mutually consent that the ships of their respective navies, which shall be provided, as hereinafter mentioned, with special Instructions for the purpose, may search such merchant-vessels of the two nations as may be suspected, on reasonable grounds, of being engaged in the Traffic in Slaves, or of having been fitted out for the purpose thereof, or of having, during the voyage in which they may be met with by the said cruizers, been engaged in the Traffic in Slaves, in contravention of the stipulations of the present Treaty; and the two Contracting Parties also agree that the said cruizers may detain such vessels, and send or convey them to be tried in the manner hereinafter provided.

With the view to avoid even the possibility of annoyance to the coasting trade of Mexico from the exercise of the mutual right of search stipulated in the present Article, the High Contracting Parties agree that the said right shall not be enforced within a line drawn from the mouth of the Rio Bravo del Norte, in twenty-five degrees fifty-five minutes of north latitude, and ninety-seven degrees twenty-five minutes of longitude west from Greenwich, to the port of Sisal, in the Peninsula of Yucatan, in twenty-one degrees

six minutes of north latitude, and ninety degrees four minutes of longitude west from Greenwich; it being always understood that if a vessel, suspected of being engaged in the Slave Trade, shall be discovered without the said line by a British or Mexican cruizer, and shall succeed in passing within that line, it shall not on that account be considered as protected by the present restriction; which is solely adopted for the greater security of the coasting trade of Mexico.

Nor shall the reciprocal right of search be exercised in the Mediterranean Sea, nor in the Seas of Europe lying without the Straits of Gibraltar, and to the north of the thirty-seventh parallel of north latitude, and to the eastward of the meridian of twenty degrees west of Greenwich.

Article V. In order to regulate the mode of carrying into execution the provisions of the preceding Article, it is agreed:

First: That their respective Governments shall provide the ships of the navies of the two nations to be employed in future in the prevention of the Slave Trade with copies, in the English and Spanish languages, of the present Treaty; of the Instructions for cruizers annexed thereto, *sub literâ* A; and of the Regulations for the tribunals which shall have to try the vessels detained by virtue of the stipulations contained in this Treaty; which are also annexed, *sub literâ* B; which annexes, respectively, shall be considered as integral part of the said Treaty.

Secondly: That each of the High Contracting Parties shall from time to time communicate to the other the names of the several ships destined for this service, and furnished with such Instructions, the force of each, and the names of their commanders.

That when the commander of a cruizer of either of the two nations shall suspect that any one or more vessel or vessels navigating under the escort or convoy of a ship of war of the other nation, carries Slaves on board, or has been engaged in this prohibited traffic, or is fitted out for it, he shall communicate his suspicions to the commanding officer of the convoy, who, accompanied by the commanding officer of the cruizer, shall proceed to the search of the suspected vessel; and in case that the suspi-

cions appear well founded, according to the tenor of this Treaty, then the said vessel shall be conducted or sent to the place where it is to be brought to trial, in order that the just sentence may there be pronounced.

Fourthly: It is further agreed that the commanders of the ships of the two navies, who shall be employed on this service, shall adhere, in each case, to the exact tenor of the said Instructions.

Article VI. As the two preceding Articles are entirely reciprocal, the High Contracting Parties engage to make good any losses incurred by their respective subjects or citizens by the arbitrary and illegal detention of their vessels; it being understood that this compensation shall be paid invariably by the Government whose cruizer shall have been guilty of such arbitrary and illegal detention; and they also engage that the visit and detention of vessels specified in the IVth Article of this Treaty shall only be effected by such English or Mexican ships as may form part of the royal and national navies of the High Contracting Parties, and which are provided with the documents mentioned in the preceding Article.

Article VII. It is agreed by the present Article that the vessels detained, in conformity with the Fourth Article of this Treaty, by British or Mexican cruizers, shall be conducted or sent, together with their commanders, crews, and cargoes, to the nearest point in the country to which the captured vessel belongs, where there may be a competent tribunal to try it: that is to say, British vessels are to be conducted or sent to the nearest possession of Her Britannic Majesty where such tribunal exists; and Mexican vessels to the port of Vera Cruz; except in cases in which Slaves shall be on board at the time of capture. In such cases, the vessel shall be sent or conducted to the nearest possession of either of the two Powers, or to such place belonging to either as may be soonest reached, according to the judgment of the commander of the capturing ship, under his own responsibility, in order that the Slaves may be landed: the vessel, with the remainder of her cargo, her commander, and crew, shall be afterwards sent or conducted to the place where she is to be tried, in conformity with the before-mentioned provisions of this Article.

The Governments of the High Contracting Parties shall have the power to name by themselves, or through the medium of their legations or consulates, an advocate, who may be a subject or citizen of either of the two nations, to undertake the prosecution or defence, as the case may be, of the vessels brought to trial; and solemnly pledge themselves to afford to such advocates all necessary liberty and protection, and such as is allowed by law to the advocates of the country.

For the more speedy conclusion of these trials, the High Contracting Parties engage to procure the enactment of laws which shall abridge as much as possible the forms of indictment and sentence.

Article VIII. When the commanding officer of any of the ships of the navies of Her Britannic Majesty, or of the Republic of Mexico, commissioned respectively in due form, according to the provisions of the IVth Article of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the Instructions annexed thereto, the Government which shall conceive itself wronged shall be entitled to demand reparation; and in such case the Government in whose service the said commanding officer may be, binds itself to cause an enquiry to be made into the subject of complaint, and to inflict on such officer a punishment proportioned to the offence.

Article IX. It is further agreed that every merchant vessel, British or Mexican, which shall be visited by virtue of the present Treaty, may be detained, and sent or brought before the proper tribunals, if there shall be found in her equipment any of the following things:

First: Hatches with open gratings, instead of the close hatches which are used in merchant-vessels.

Secondly: Divisions or bulkheads in the hold or on deck, in greater number than are necessary for a vessel engaged in a lawful trade.

Thirdly: Spare plank prepared to be fitted up as a second or Slave-deck.

Fourthly: Shackles, bolts, or handcuffs.

Fifthly: A quantity of water in casks or tanks, much greater than is requisite for the consumption of the crew of the vessel, as a merchant-vessel.

Sixthly: An extraordinary number of water-casks, or of other vessels for holding liquid, unless the master shall produce a certificate from the custom-house of the port from which he cleared outwards, stating that the owners of such vessel had given sufficient security that such extra quantity of casks or of other vessels should only be employed to receive palm-oil, or for other purposes of lawful commerce.

Seventhly: A greater quantity of mess-tubs than are requisite for the use of the crew of the vessel, as a merchant vessel.

Eighthly: A boiler of an unusual size, and larger than is requisite for the use of the crew of the vessel, as a merchant-vessel; or more than one boiler of the ordinary size.

Ninthly: An extraordinary quantity of rice, of flour of Brazil, of manioc or cassava, commonly called harina of maize, exceeding what might probably be consumed by the crew; such rice, flour, or maize not appearing to be entered on the manifest as part of the cargo for trade.

Any one or more of these several circumstances, if proved, shall be considered as indications, *primâ facie*, of the actual employment of the vessel in the Slave Trade; and will serve, therefore, to condemn and declare her a lawful prize, unless it be established by satisfactory evidence on the part of the master or owners, that the vessel, at the time of her detention, was employed in some legal pursuit.

Article X. If any of the things specified in the preceding Article be found in any merchant-vessel, no compensation for losses, damages, or expenses, resulting from the detention of such vessel, shall be allowed, either to her master or to her owner, or other person interested in her equipment or lading, even though the tribunal declare her acquitted.

Article XI. It is hereby agreed between the two High Contracting Parties, that in all cases in which a vessel shall be detained according to the stipulations of this Treaty, by their respective cruizers, as having been engaged in the Slave Trade, or as having been fitted out for the purpose thereof, and shall consequently be tried and condemned by the proper tribunal, the said vessel shall, immediately after her condemnation, be broken up, and the separate parts sold.

Article XII. Each of the High Contracting Parties solemnly binds itself to guarantee the liberty of the Negroes who may be emancipated and conducted to either of the two nations, by virtue of the stipulations of this Treaty, from the moment of their landing in their respective territories; and to afford, from time to time, when demanded by the other party, or by the respective tribunals, the fullest information as to the state and condition of such Negroes, with a view of ensuring the due execution of the Treaty in this respect.

For this purpose, the Regulations annexed to this Treaty, *sub literâ* C, as to the treatment of such liberated Negroes, have been drawn up and declared an integral part of the said Treaty.

The High Contracting Parties reserve to themselves the right of altering and suspending by common consent, but not otherwise, the terms of the said Regulations.

Article XIII. The Annexes to this Treaty, which it is mutually agreed shall form an integral part thereof are as follows:

A. Instructions for the ships of the British and Mexican navies destined to prevent the Traffic in Slaves.

B. Regulations for the Tribunals which are to take cognizance of the trials of the vessels detained by virtue of the stipulations of this Treaty.

C. Regulations for the treatment of the liberated Negroes.

Article XIV. As the principal object of this Treaty, Additional Articles, and three Annexes, which form part of it, is no other than that of preventing the Traffic in Slaves, without any annoyance to the respective merchant shipping of the two nations, the High Contracting Parties, animated by the same sentiments, agree that if in future it should appear necessary to adopt new measures for attaining the said beneficent object, or for obviating any inconvenience to the aforesaid shipping, which experience shall have made known, in consequence of those established in this Treaty, Additional Articles, and Annexes proving inefficacious, the said High Contracting Parties will consult together for the complete attainment of the object proposed.

Article XV. The present Treaty, consisting of fifteen Articles, shall be ratified, and the ratifications thereof exchanged in London within a year from this date.

In witness whereof the respective Plenipotentiaries have signed in duplicate, in the English and Spanish languages, the present Treaty, and have affixed their respective seals.

Done in the city of Mexico, this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and forty-one.

(L.S.) RICHARD PAKENHAM.
(L.S.) LUIS GONZAGA CUEVAS.

Additional Articles.

I. Her Britannic Majesty agrees that for the first eight years of the duration of the present Treaty, the Government of the Republic shall not be obliged to appoint cruizers to prevent the Traffic in Slaves; but the said Government of Mexico reserves to itself the right of appointing such cruizers, as soon as the circumstances of its navy may permit such appointment, giving notice thereof to the Government of Her Britannic Majesty.

II. To avoid even the possibility of prejudice resulting from the Ninth Article of the Treaty of this date, to the merchant-vessels which the Mexican Government may have occasion to employ in certain cases for the conveyance of troops by sea, or of convicts from one point of the Republic to another, it is agreed to except from the operation of the Ninth Article, the merchant-vessels employed by the Mexican Government in such service. Such vessels shall not be liable to be detained, even if one or more of the things mentioned in the aforesaid Article should be found on board; provided they do not convey Negroes destined for the Slave Trade; and that the captain of the vessel, on board which the prohibited articles or effects are found, produce a document signed by any competent authority of the Republic, stating the service on which such vessel is employed; but such document must not be of a date so remote that it may be believed, on reasonable grounds, to have been issued for another

voyage, anterior to that on which such vessel has been met with.

The two preceding Additional Articles shall have the same force and effect as if they had been inserted word for word, in the Treaty of this date. They shall be ratified, and the ratifications exchanged at the same time as those of the Treaty of which they form part.

In witness whereof the respective Plenipotentiaries have signed them, and affixed their seals.

Done in the city of Mexico, this twenty-fourth day of February, of the year of our Lord one thousand eight hundred and forty-one.

(L.S.) RICHARD PAKENHAM.
(L.S.) LUIS GONZAGA CUEVAS.

ANNEX A *to the Treaty between Great Britain and the Republic of Mexico, for the abolition of the Slave Trade.*

Instructions for the ships of the British and Mexican Navies employed to prevent the Traffic in Slaves.

Article I. The commander of any ship belonging to the navy of Her Britannic Majesty, or of the Republic of Mexico, duly furnished with these Instructions, shall have the right to visit, search, and detain any British or Mexican merchant-vessel which shall be engaged, or suspected on good grounds of being engaged, in the Slave Trade, or of being fitted out for that purpose, or of having been engaged in the said traffic during the voyage in which such vessel may be met with by such ship of the British or Mexican navy. If such commander should find his suspicions borne out, he may send or bring such vessels, as soon as possible, to be tried by the competent tribunals, according to the tenour of the VIIth Article of the Treaty of this date.

Article II. Whenever a ship of either of the two said navies, duly authorized as aforesaid, shall meet a merchant vessel liable to be visited under the provisions of the Treaty, the search shall be conducted in the most considerate manner, and with every attention which ought to be observed between two allied and friendly nations; and

the search shall, in every case, be made by an officer holding a rank not lower than that of lieutenant in the navy to which he belongs, or by the officer who at the time shall be second in command of the ship by which the search is made.

Article III. The commander of any ship of the two navies, duly authorized, who may detain any merchant vessel in pursuance of the present Instructions, shall leave on board the detained vessel her master, mate, or boatswain, and two or three, at least, of her crew, all her cargo, and all the Slaves, until they arrive at the place where they are to be disembarked, as stipulated in the VIIth Article of the Treaty.

The captor shall, at the time of detention, draw up in writing an authentic declaration, to be signed by himself, which shall set forth the state in which he found the detained vessel; and this document shall be given in or sent, together with the captured vessel, to the tribunal before which such vessel shall be carried or sent for adjudication.

The said captor shall deliver to the master of the detained vessel a signed certificate, stating the papers seized on board the same, as well as the number of Slaves found on board at the time of detention.

In the authentic declaration hereby required to be made by the captor, and in the certificate of the papers siezed, he shall insert his name and rank, the name of the capturing ship, the latitude and longitude of the spot where the detention shall have taken place, and the number of Slaves found on board the vessel at the time of such detention.

The declaration to be produced by the capturing commander shall also set forth the place where the Slaves have been landed, in pursuance of the stipulation in the VIIth Article of the Treaty, as well as the necessity and reasons for having conveyed them to such place.

The officer in charge of the detained vessel shall, at the time of giving in the aforesaid papers to the proper tribunal, produce a statement, sworn to and signed by himself, of the changes which may have take place with respect to the vessel, her crew, the Slaves, if any, and her cargo, from the time of her detention to the day of the delivery of such document.

The undersigned Plenipotentiaries have agreed, in conformity with the XIIIth Article of the Treaty signed this day, that the preceding Instructions, consisting of three Articles, shall be annexed to the said Treaty, and be considered an integral part thereof.

Done in the city of Mexico, this twenty-fourth day of February, one thousand eight hundred and forty-one.

(L.S.) RICHARD PAKENHAM.
(L.S.) LUIS GONZAGA CUEVAS.

ANNEX B *to the Treaty between Great Britain and the Republic of Mexico, for the abolition of the Slave Trade.*

Regulations for the Courts which are to take cognizance of the causes of the vessels detained by virtue of the stipulations of the Treaty of this date.

Article 1. The Courts which, according to the laws of the two Contracting Nations, are to take cognizance of the causes of the vessels detained by virtue of the stipulations of the Treaty to which these Regulations are annexed, shall proceed in the most summary manner permitted by the laws of their respective countries, and with entire subjection to the stipulations of the said Treaty, observing in every case the strictest impartiality.

Each of the two High Contracting Parties engages to defray out of their respective treasuries the salaries of the judges and officers appointed to take cognizance of these causes.

Article II. The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, Slaves, and cargo; and the expenses of carrying the sentence into execution; and all disbursements occasioned in bringing the vessel before the competent Court, shall, in case of condemnation, be defrayed from the funds arising from the sale of the materials of the vessel, after the same shall have been broken up, of the ship's stores and other articles of merchandize found on board; and in case the proceeds arising from such sales should not prove

sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territory the vessel shall have been tried.

If the detained vessel should be acquitted, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor, except in the cases specified and provided for in the Tenth Article of the Treaty of this date, and in the Sixth Article of these Regulations.

Article III. The final sentence of the Courts which have to take cognizance of these causes, shall not in any case be delayed for more than two months, whether on account of the absence of witnesses, or for any other cause, except upon the application of any of the parties interested; but in that case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay, the Courts may, at their discretion, grant an additional delay, not exceeding four months. Either party may employ such person or persons as he may think fit, to assist him in the trials in question.

All the acts and essential parts of the proceedings of the respective Courts shall be drawn up in writing, in the language of the country to which the Court belongs.

Article IV. If the detained vessel shall be restored by the sentence of the Court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same Court, claim a valuation of the damages which he may have a right to demand.

The captor himself, and, in his default, his Government, shall remain responsible for the damages to which the master of such vessel, or the owners, either of the vessel, or of her cargo, may be pronounced to be entitled.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the above-named Court; it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject.

Article V. If the detained vessel shall be condemned,

she shall be declared lawful prize, together with her cargo, of whatever description it may be; and the said vessel shall, as well as her cargo, be sold by public auction for the benefit of the two Governments, subject to the payment of the expenses hereinafter mentioned.

Article VI. The Courts shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed, save as mentioned in Article the Tenth of the Treaty to which these Regulations form an Annex, and in a subsequent part of these Regulations, the Court shall award to the claimant or claimants, or to his or their lawful attorney or attornies, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention; and it is agreed that the indemnification shall be as follows:

First. In case of total loss, the claimant or claimants shall be indemnified:

A. For the ship, her tackle, equipment, and stores.

B. For all freights due and payable.

C. For the value of the cargo of merchandize, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.

D. For all other regular charges in such case of total loss.

Secondly. In all other cases (save as hereinafter mentioned) not of total loss, the claimant or claimants shall be indemnified:

A. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable.

B. For demurrage when due, according to the schedule annexed to the present Article.

C. For any deterioration of the cargo.

D. For all premium of insurance on additional risks.

The claimant or claimants shall be entitled to interest at the rate of 5 (five) per cent. per annum on the sum awarded, until such sum is paid by the Government to

which the capturing ship belongs. The whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be liquidated at the exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the Courts, that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel in that case shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present Article, nor any other compensation for losses, damages, or expenses consequent upon such detention.

Schedule of demurrage or daily allowance for a vessel of

100	tons to	120	inclusive	£5	Per diem.
121	. .	150	. .	6	
151	. .	170	. .	8	
171	. .	200	. .	10	
201	. .	220	. .	11	
221	. .	250	. .	12	
251	. .	270	. .	14	
271	. .	300	. .	15	

and so on in proportion.

Article VII. Neither the magistrates who constitute the Courts, nor the secretaries, nor the subordinate officers, shall demand or receive from any of the parties concerned in the cases which shall be brought before such Courts, any emolument or gift, under any pretext whatsoever, for the performance of their duties.

The undersigned Plenipotentiaries have agreed, in conformity with the XIIIth Article of the Treaty of this date, that the preceding Regulations, consisting of seven Articles, shall be annexed to the said Treaty, and considered as an integral part thereof.

Done in the city of Mexico, this twenty-fourth day of February, one thousand eight hundred and forty-one.

(L.S.) Richard Pakenham.
(L.S.) Luis Gonzaga Cuevas.

ANNEX C *to the Treaty between Great Britain and the Republic of Mexico, for the abolition of the Slave Trade.*

Regulations for the treatment of liberated Negroes.

Article I. The object of these Regulations is to secure to Negroes liberated by the stipulations of the Treaty to which they form an Annex (*sub literâ* C), permanent good treatment, and full and complete emancipation, in conformity with the humane intentions of the High Contracting Parties.

Article II. As soon as the Slaves are disembarked, in conformity with the provisions of the VIIth Article of the Treaty to which these Regulations are annexed, they shall receive from the chief political authority a certificate of emancipation, and shall immediately be placed at the disposition of the Government of the nation to which the point or place of disembarkation belongs, in order that they may be treated in accordance with the present Regulation.

Article III. The Government of the Republic of Mexico engages, when the case occurs, to secure to the Negroes the enjoyment of their acquired liberty, good treatment, adequate instruction in the tenets of religion and morality, and such as may be necessary in order that they may be able to maintain themselves as artisans, mechanics, or domestic servants.

Article IV. Her Britannic Majesty, in like manner, engages to treat such Negroes, when disembarked in any point of her dominions, in exact conformity with the laws in force in the colonies of Great Britain for the regulation of the emancipated Negroes.

Article V. The two Governments engage to take the requisite measures with a view to obtain periodically information of the existence of the Negroes who may have been emancipated by virtue of the Treaty of this date, of the improvement in their condition, and of the progress made in their instruction, both religious and moral, as also in the arts of life; or proof of their death. These data

will serve to furnish, as the case occurs, the information spoken of in the XIIth Article of the said Treaty.

The undersigned Plenipotentiaries have agreed, in conformity with the XIIIth Article of the Treaty of this date, that these Regulations, consisting of five Articles, shall be annexed to the said Treaty, and be considered as an integral part thereof.

Done in the city of Mexico, this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and forty-one.

(L.S.) RICHARD PAKENHAM.
(L.S.) LUIS GONZAGA CUEVAS.

Further Additional Article.

Whereas there was concluded between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Mexico, on the 24th of February, 1841, a Treaty for the suppression of the Slave Trade under the flag of Mexico:

And whereas unforeseen circumstances have prevented the exchange of the ratifications of the said Treaty within the time stipulated by the XVth Article of the same Treaty, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Excellency the President of the Mexican Republic, have found it expedient to enter into an agreement for extending the period assigned for the exchange of the ratifications of the aforesaid Treaty:

They have therefore named as their Plenipotentiaries *ad hoc:*

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Richard Pakenham, Esquire, Her Majesty's Minister Plenipotentiary to the Republic of Mexico;

And his Excellency the President of the Mexican Republic, his Excellency Don José Maria Tornel, General of Division, and Minister of State for the Department of War and Marine:

Who, having examined their full powers, and found

them in good and due form, have agreed upon the following Additional Article to the Treaty of the 24th of February, 1841.

Additional Article.

The ratifications of the Treaty for the suppression of the Slave Trade under the flag of Mexico, concluded at Mexico on the 24th of February, 1841, shall be exchanged in London within six months from the date of this agreement.

The present Additional Article shall have the same force and effect as if it had been inserted, word for word, in the aforesaid Treaty of the 24th of February, 1841, and the ratifications of it shall be exchanged in London at the same time as the ratifications of the Treaty of which it forms a part.

In witness whereof the respective Plenipotentiaries have signed the present agreement, and have affixed their respective seals.

Done in the city of Mexico, the thirteenth day of April, in the year of our Lord one thousand eight hundred and forty-two.

(L.S.) RICHARD PAKENHAM.
(L.S.) JOSE MARIA TORNEL.

En el Nombre de la Santisima Trinidad.

ESTANDO animados su Excelencia el Presidente de la Republica Mexicana, y Su Majestad la Reyna del Reyno Unido de la Gran Bretaña é Irlanda, del sincero deseo de cooperar á la extincion total del Trafico barbaro de Esclavos, han resuelto concluir un Tratado con el fin especial de conseguir inmediatamente este objeto, y han nombrado, respectivamente, por sus Plenipotenciarios, á saber:

Su Excelencia el Presidente de la Republica Mexicana, al Excelentisimo Señor Don Luis Gonzaga Cuevas, su Enviado Extraordinario y Ministro Plenipotenciario en la Corte de Londres; y Su Majestad la Reyna del Reyno Unido de la Gran Bretaña é Irlanda, al Señor Don Ricardo Pakenham, Escudero, su Ministro Plenipotenciario cerca del Gobierno Mexicano:

Quienes, despues de haberse comunicado sus respectivos plenos poderes, y hallandolos en buena y debida forma, han acordado y concluido los Artículos siguientes:

Artículo I. El Comercio de Esclavos se declara por este Tratado total y perpetuamente abolido en todo el mundo por parte de la Republica Mexicana, como lo está ya la Esclavitud en el territorio Mexicano, y el mencionado Trafico de Esclavos por parte de la Gran Bretaña.

Artículo II. El Gobierno Mexicano se compromete á tomar, inmediatamente despues del cange de las ratificaciones del presente Tratado, y en lo succesivo, de tiempo en tiempo cuando fuere necesario, las medidas mas eficaces para impedir que los ciudadanos de la Republica Mexicana se mezclen en el Comercio de Esclavos, y que se emplee de modo alguno la bandera de la misma Republica en llevarlo á efecto; y se obliga especialmente á recabar del Congreso Nacional, cuanto antes fuere posible, una ley penal en que se imponga el mas severo castigo á todos los ciudadanos de la Republica que tomaren, bajo cualquier pretexto, alguna parte en el expresado Trafico de Esclavos.

Artículo III. El Gobierno Mexicano se compromete á iniciar al Congreso Nacional una ley, que declare piratas á todos los ciudadanos de la Republica que se empleen en el Trafico de Esclavos, y á cuantos individuos lo hagan bajo su pavellon. Y su Excelencia el Presidente de la Republica, y Su Majestad la Reyna del Reyno Unido de la Gran Bretaña é Irlanda, se obligan mutuamente á dictar ó á iniciar á sus respectivas legislaturas, las medidas mas oportunas para que las leyes de piratería que han de aplicarse á dicho Trafico, conforme á la legislacion de cada uno de ambos paises, se pongan inmediatamente en práctica, respecto de los buques y ciudadanos ó subditos de una y otra nacion.

Artículo IV. Para impedir completamente toda infraccion del espiritu del presente Tratado, las dos Altas Partes Contratantes consienten mutuamente en que los buques de sus armadas respectivas, á los que se proveerá, segun mas adelante se menciona, con Instrucciones especiales al efecto, puedan registrar aquellos buques mercantes de ambas naciones, de los cuales se sospeche por motivos fundados, que se ocupan en el Trafico de Esclavos, ó que han

sido equipados con dicho intento, ó que durante el viage en el que se encuentren con los mencionados cruceros, se han empleado en el Trafico de Esclavos, contraviniendo á lo que en el presente Tratado se estipula; y convienen tambien ambas Partes Contratantes en que los referidos cruceros puedan detener á dichos buques, y enviarlos, ó conducirlos, para ser juzgados del modo que mas abajo se dispone.

Con el fin de evitar hasta la posibilidad de molestar al comercio de la costa de Mexico con el ejercicio del mutuo derecho de visita estipulado en el presente Artículo, las Altas Partes Contratantes convienen en que el expresado derecho no se hará efectivo dentro de una linea tirada desde la boca del Rio Bravo del Norte, en el grado de latitud septentrional veinte y cinco, cincuenta y cinco, y de longitud noventa y siete, veinte y cinco, al occidente de Greenwich, hasta el puerto de Sisal en la Peninsula de Yucatan, en el grado de latitud septentrional veinte y uno, seis, y de longitud noventa, cuatro, tambien al occidente de Greenwich; debiendo siempre entenderse que si algun buque del cual se sospeche que se ocupa en el Trafico de Esclavos, se descubre fuera de dicha linea por un crucero Mexicano ó Britanico, y logra introducirse en ella, no por eso se considerará protegido por la presente restriccion, que solo se ha adoptado para la mayor seguridad del comercio de la costa de Mexico.

Tampoco se ejercerá el mutuo derecho de visita en el Mar Mediterraneo, ni en los mares de Europa situados fuera del Estrecho de Gibraltar, y hácia el norte del paralelo treinta y siete de la latitud septentrional, y á la parte oriental del meridiano situado á veinte grados oeste de Greenwich.

Artículo V. Para arreglar el modo de poner en ejecucion las disposiciones del Artículo precedente, queda convenido:

Primero: Que los respectivos Gobiernos proveerán á los buques de las armadas de ambas naciones que se empleen en lo de adelante en impedir el Trafico de Esclavos, de una copia, en los idiomas Castellano é Ingles, del presente Tratado; de las Instrucciones annexas á el para los cruceros, bajo la letra A; y del Reglamento para

los Tribunales que han de juzgar á los buques detenidos en virtud de las estipulaciones contenidas en este Tratado, que tambien es anexo bajo la letra B; cuyas Piezas serán consideradas, respectivamente, como partes integrantes del mismo Tratado.

Segundo: Que cada una de las Altas Partes Contratantes comunicará de tiempo en tiempo á la otra los nombres de los diferentes buques que destine á este servicio, provistos de tales Instrucciones, fuerza de que consten, y nombre de sus comandantes.

Tercero: Que cuando el comandante de un crucero de cualquiera de las dos naciones tenga sospechas de que alguno ó algunos de los buques que naveguen bajo la escolta ó convoy de un buque de guerra de la otra nacion, lleva Esclavos á bordo, ó se ha ocupado de este trafico prohibido, ó esta equipado para él, comunicará sus sospechas al comandante del convoy, quien, acompañado de él del crucero, procederá al registro del buque sospechoso; y en caso de que aparezcan fundados los motivos de sospecha, con arreglo al tenor de este Tratado, dicho buque será conducido ó enviado al punto donde ha de sometersele á juicio, para que allí recaiga el competente fallo.

Cuarto: Se conviene ademas en que los comandantes de los buques de las dos armadas que se empleen en este servicio, se sujetarán en su caso, al exacto tenor de las Instrucciones mencionadas.

Artículo VI. Como los dos Artículos precedentes son en un todo recíprocos, las Altas Partes Contratantes se comprometen á hacer buenas cualesquiera perdidas que sufran sus respectivos ciudadanos ó subditos por la detencion arbitraria é ilícita de sus buques, quedando entendido que esta indemnizacion la satisfará invariablemente el Gobierno cuyo crucero haya sido culpable de tal detencion arbitraria ó ilícita; y se comprometen tambien á que solo se verificará la visita y detencion de buques especificados en el Arítculo IV de este Tratado por aquellos buques Mexicanos ó Ingleses que formen parte de las armadas nacional ó real de las Altas Partes Contratantes, y que esten provistos de los documentos mencionados en el Artículo anterior.

Artículo VII. Se conviene por el presente, en que los

buques detenidos, conforme al tenor del Artículo Cuarto de este Tratado, por cruceros Mexicanos ó Britanicos, se conducirán ó enviarán, con sus comandantes, tripulaciones, y cargamentos, al punto mas inmediato del pais á que pertenezca el buque aprehendido, donde haya tribunal competente que deba juzgarlo: es decir, los buques Britanicos á la posesion mas inmediata de Su Majestad Britanica en que exista el expresado tribunal; y los buques Mexicanos al puerto de Vera Cruz; excepto en los casos en que se encuentren Esclavos á bordo al tiempo de la captura. En tales casos se mandará ó conducirá el buque á la posesion mas inmediata de cualquiera de las dos Potencias, ó al punto de estas á que pueda llegarse mas pronto, segun lo creyere bajo su propia responsabilidad el comandante del buque aprehensor, para que los Esclavos sean desembarcados: el buque, con lo restante de su cargamento, su comandante, y tripulacion, se mandará despues, ó se conducirá, al punto en que deba juzgarse, conforme á las disposiciones anteriores de este Artículo.

Los Gobiernos de las Altas Partes Contratantes tendrán la facultad de nombrar, por sí ó por medio de sus legaciones ó consules, un abogado, ciudadano ó subdito de cualquiera de las dos naciones, que sostenga la acusacion ó defensa, en su caso, de los buques que se sometan á juicio; y se comprometen solemnemente á dispensar á estos abogados todo la franquicia y proteccion necesaria, y que se concede por las leyes á los abogados del pais.

Para la mas pronta conclusion de estos juicios, se comprometen las Altas Partes Contratantes á promover que se espidan leyes que abrevien en lo posible los terminos de substanciacion y sentencia.

Artículo VIII. Cuando el oficial comandante de alguno de los buques de las armadas de la Republica Mexicana, ó de Su Majestad Britanica, comisionado respectivamente y en debida forma segun las disposiciones del Artículo IV de este Tratado se desvie de algun modo de las estipulaciones del mismo Tratado, ó de las Instrucciones anexas á él, el Gobierno que se crea agraviado tendrá derecho á pedir una reparacion; y en tal caso, el Gobierno á cuyo servicio esté el expresado oficial comandante, se obliga á mandar

hacer una investigacion sobre el motivo de queja, y á aplicar al dicho oficial un castigo proporcionado á la ofensa.

Artículo IX. Queda ademas convenido que todo buque mercante Mexicano ó Ingles, que sea visitado en virtud del presente Tratado, puede ser detenido y enviado ó llevado ante los tribunales respectivos, si se encontrare en su equipo alguna de las cosas siguientes, á saber:

Primera: Escotillas con redes abiertas, en lugar de las escotillas cerradas que se usan en los buques mercantes.

Segunda: Divisiones ó tabiques en la bodega ó sobre cubierta, en mayor numero del que es necesario á un buque que se ocupa de un comercio licito.

Tercera: Tablazon preparada para acomodarla como cubierta segunda, ó de Esclavos.

Cuarta: Grillos, cerrojos, ó esposas.

Quinta: Cantidad de agua in barriles ó cisternas, mucho mayor de la necesaria para el consumo de la tripulacion del buque como mercante.

Sexta: Un número extraordinario de toneles para agua, ú otras vasijas para guardar liquidos; á no ser que el patron exhiba un certificado de la aduana del puerto de donde salió, en que se manifieste que los dueños de dicho buque dieron la seguridad competente de que la demasía de los toneles ú otras vasijas se emplearian solo en recibir aceite de palma, ú otros objetos de comercio licito.

Septima: Cantidad de vasijas de rancho, mayor que la necessaria para el uso de la tripulacion del buque como mercante.

Octava: Una caldera de tamaño desmesurado, y mayor que la que sea necesario para el uso de la tripulacion del buque como mercante; ó mas de una caldera del tamaño regular.

Noveno: Una cantidad extraordinaria de arroz, de harina del Brasil, manioque ó casabe, llamado comunmente harina de maiz, que exceda lo que probablemente pueda ser consumido por la tripulacion; siempre que el arroz, harina, ó maiz no aparezcan designados en el manifiesto como parte del cargamento para negociar.

Alguna ó algunas de estas circunstancias que se prue-

ben, se considerarán como indicios *primâ facie* de que el buque se ocupa en el Comercio de Negros: y servirá para condenarle y declararle buena presa, si no se probare satisfactoriamente por parte del maestre ó de los propietarios, que el buque se ocupaba, al tiempo de su detencion, en operaciones lícitas.

Artículo X. Si se encontrare en cualquier buque mercante alguna de las cosas especificadas en el Artículo precedente, no se concederá ninguna compensacion por pérdidas, daños, ó gastos ocasionados por la detencion de tal buque, al patron, dueño, ú otra persona interesada en su equipo ó cargamento, aun cuando el tribunal lo declare absuelto.

Artículo XI. Queda por al presente convenido entre las dos Altas Partes Contratantes, que en todos los casos en que un buque sea detenido segun las estipulaciones de este Tratado, por los respectivos cruceros, por haberse empleado en el Comercio de Esclavos, ó equipado con este fin, y que en consecuencia sea juzgado y condenado por el tribunal que corresponde, tal buque será hecho pedazos y vendidos sus fragmentos, luego que hayo sido condenado.

Artículo XII. Cada una de las Altas Partes Contratantes se obliga solemnemente á garantizar la libertad de los Negros que se emancipen y sean conducidos á cualquiera de las dos naciones, en virtud de las estipulaciones de este Tratado, en el hecho de pisar su territorio; y á facilitar, de tiempo en tiempo, cuando lo pida la otra parte ó los tribunales respectivos, el informe mas completo sobre el estado y condicion de tales Negros, á fin de asegurar la debida ejecucion del Tratado en este punto.

Con este objeto se ha hecho el Reglamento anexo á este Tratado, bajo la letra C, sobre el trato que debe darse á dichos Negros libertados, y se ha declarado parte integrante del mismo Tratado.

Las Altas Partes Contratantes se reservan el derecho de alterar y suspender de comun acuerdo, y no de otra manera, los terminos de dicho Reglamento.

Artículo XIII. Las Piezas anexas á este Tratado, que se conviene mutuamente en que formen parte integrante de él, son las siguientes:

A. Instrucciones para los buques de las armadas

Mexicana é Inglesa, que se destinen á impedir el Trafico de Esclavos.

B. Reglamento para los Tribunales que han de conocer en los juicios de los buques detenidos en virtud de las estipulaciones de este Tratado.

C. Reglamento para el trato de los Negros que se liberten.

Artículo XIV. Como el objeto principal de este Tratado, Artículos Adicionales, y tres Piezas anexas que forman parte de él, no es otro que él de impedir el Trafico de Esclavos, sin perjuicio alguno de las respectivas marinas mercantes de ambas naciones, las Altas Partes Contratantes, que se hallan animadas de unos mismos sentimientos, convienen en que, si en lo sucesivo apareciere necesario adoptar nuevas medidas para conseguir dicho benéfico objeto, ó para evitar á las mencionadas marinas cualquier inconveniente que la experiencia hiciere conocer, por que sean ineficaces las que se establecen en este Tratado, Artículos Adicionales, y Piezas anexas, se pondrán de acuerdo dichas Altas Partes Contratantes para el completo logro del fin que se proponen.

Artículo XV. El presente Tratado, que se compone de quince Artículos, será ratificado, y las ratificaciones cangeadas en Londres dentro de un año contado desde esta fecha.

En fé de lo cual los Plenipotenciarios respectivos han firmado por duplicado, en los idiomas Castellano é Ingles, el presente Tratado, y lo han sellado con sus sellos respectivos.

Fecho en la ciudad de Mexico, á veinte y cuatro de Febrero, del año del Señor de mil ochocientos cuarenta y uno.

(L.S.) Luis Gonzaga Cuevas.
(L.S.) Richard Pakenham.

Articulos Adicionales.

I. Su Majestad Britanica conviene en que por los primeros ocho años de la duracion del presente Tratado, no queda obligado el Gobierno de la Republica á destinar cruceros que impidan el Trafico de Esclavos; pero se reserva el

mismo Gobierno de Mexico el derecho de destinarlos luego que las circunstancias de su marina se lo permitan, dando aviso al de Su Majestad Britanica.

II. Para evitar hasta la posibilidad de que sean prejudicados por el Artículo Noveno del Tratado de esta fecha, los buques mercantes que el Gobierno Mexicano tenga necesidad de emplear en algunos casos para trasportar tropas por mar, ó presidarios de un punto á otro de la Republica, se conviene en exceptuar del expresado Artículo Noveno, los buques mercantes que se empleen por el Gobierno Mexicano en dicho servicio. Los mismos buques no podrán ser detenidos, aun cuando se encuentre á bordo de ellos alguno ó algunos de los efectos que se mencionan en el referido Artículo; con tal de que no lleven Negros destinados para el Trafico; y de que el capitan del buque en que se encuentren los efectos ó articulos prohibidos, exhiba un documento firmado por cualquiera de las autoridades competentes de la Republica, en que se exprese el servicio á que ha sido destinado; pero dicho documento no será de fecha tan remota que pueda creerse prudentemente que se ha librado para otro viage anterior á aquel en que se encuentre el mencionado buque.

Los dos Artículos Adicionales que preceden, tendrán la misma fuerza y valor que si se hubieran insertado, palabra por palabra, en el Tratado de esta fecha. Serán ratificados, y las ratificaciones cangeadas al mismo tiempo que las del Tratado de que forman parte.

En fé de lo cual los respectivos Plenipotenciarios lo han firmado, y sellado con sus sellos.

Fecho en la ciudad de Mexico, á veinte y cuatro de Febrero, del año de nuestro Señor de mil ochocientos cuarenta y uno.

(L.S.) Luis Gonzaga Cuevas.
(L.S.) Richard Pakenham.

PIEZA A *anexa al Tratado entre la Republica Mexicana y la Gran Bretaña, para la abolicion del Trafico de Esclavos.*

Instrucciones para los buques de las Armadas Mexicana é Inglesa que se destinen á impedir el Trafico de Esclavos.

ARTICULO I. El comandante de cualquier buque perteneciente á la armada de la Republica Mexicana ó de Su Majestad Britanica, debidamente autorizado con estas Instrucciones, tendrá el derecho de visitar, registrar, y detener cualquier buque mercante Mexicano ó Ingles que esté, ó se sospeche fundamente que está, ocupado en el Comercio de Esclavos, ó equipado con este fin, ó que se ha ocupado de dicho trafico durante el viage en que lo encuentre el buque de la armada Mexicana ó Inglesa. Si el expresado comandante encontrare realizadas sus sospechas, podrá enviar ó conducir al dicho buque, luego que le sea posible, para que lo juzgue el tribunal competente, segun el tenor del Artículo VII del Tratado de esta fecha.

Artículo II. Cuando un buque de cualquiera de las dos dichas armadas, autorizado debidamente segun queda expresado, encuentre un buque mercante al cual pueda visitar por las disposiciones del Tratado, se practicará el registro de la manera mas prudente, y con todas las consideraciones que deben guardarse mutuamente dos naciones aliadas y amigas; y el registro, en todos casos, se hará por un oficial cuyo rango no sea inferior al de teniente de la armada á que pertenezca, ó por el oficial que á la sazon sea el segundo comandante del buque que haga el registro.

Artículo III. El comandante de cualquier buque de las dos armadas, autorizado debidamente, que detenga algun buque mercante en cumplimiento de las presentes Instrucciones, dejará á bordo del buque detenido al patron, piloto, ó contramaestre, y á dos ó tres individuos, á lo menos, de su tripulacion, todo el cargamento, y todos los Esclavos, hasta llegar al punto en que deben ser desembarcados, segun se ha estipulado en el Artículo VII del Tratado.

El aprehensor, al tiempo de la detencion, extenderá por

escrito una declaracion autentica, firmada por él, que manifieste el estado en que encontró al buque detenido; y este documento se presentará ó enviará con el buque apresado, al tribunal ante el cual se conduzca ó envie dicha embarcacion para ser juzgada.

El mismo aprehensor entregará al patron del buque detenido un certificado firmado, en que se expresen los papeles tomados á su bordo, como tambien el numero de Esclavos hallados en él al tiempo de la detencion.

En la declaracion autentica que por el presente se requiere haga el aprehensor, y en el certificado de los papeles tomados, constará su nombre y graduacion, el nombre del buque que haga la captura, la latitud y longitud del punto en que se verificó la detencion, y el numero de Esclavos hallados á bordo del buque al tiempo de dicha detencion.

Tambien constará en la declaracion que ha de exhibir el comandante aprehensor, el lugar en que sean desembarcados los Esclavos en virtud de lo estipulado en el Artículo VII del Tratado, y la necesidad y causas de haberlos conducido al mencionado lugar.

El oficial encargado del buque detenido, al presentar los expresados papeles al tribunal correspondiente, exhibirá una constancia, jurada y firmada por él, sobre las novedades que haya tenido el buque, su tripulacion, los Esclavos, si hubiere algunos, y su cargamento, desde su detencion hasta el dia de la entrega del expresado documento.

Los infrascritos Plenipotenciarios han convenido, de conformidad con el Artículo XIII del Tratado firmado hoy, en que las Instrucciones precedentes, compuestas de tres Artículos, correrán anexas á dicho Tratado, y se considerarán como parte integrante de él.

Fecho en la ciudad de Mexico, á veinte y cuatro de Febrero, de mil ochocientos cuarenta y uno.

(L.S.) Luis Gonzaga Cuevas.
(L.S.) Richard Pakenham.

PIEZA B *annexa al Tratado entre la Republica Mexicana y la Gran Bretaña, para la abolicion del Trafico de Esclavos.*

Reglamento para los Tribunales que han de conocer en los juicios de los buques detenidos en virtud de las estipulaciones del Tratado de esta fecha.

ARTICULO I. Los Tribunales que, segun las leyes de ambas Naciones Contratantes, hayan de conocer en los juicios de los buques detenidos en virtud de las estipulaciones del Tratado á que es anexo este Reglamento, procederán de la manera mas sumaria que permita la legislacion del pais respectivo, y con total sugecion á los convenios de dicho Tratado, obrando en todo con la mas estricta imparcialidad.

Cada una de las Altas Partes Contratantes se compromete á tener dotados por su erario los jueces y oficiales que deben conocer en estos juicios.

Artículo II. Los gastos hechos por el oficial encargado de la recepcion, mantencion, y cuidado del buque detenido, Esclavos, y cargamento; los de la ejecucion de la sentencia; y todos los desembolsos para poner al buque ante el Tribunal competente, se costearán si fuere condenado, de los fondos que resulten de la venta de los materiales del buque, despues de hecho pedazos, y de la de las provisiones y demas efectos de comercio encontrados en él; y en caso de que los productos de ambas ventas no fueren suficientes para indemnizar de tales gastos, se cubrirá el *deficit* por el Gobierno del pais en cuyo territorio haya sido juzgado el buque.

Si el buque detenido fuere absuelto, los gastos que se hubieren hecho para ponerlo ante el Tribunal respectivo, se cubrirán por el aprehensor, excepto en los casos especificados y previstos en el Artículo Decimo del Tratado de esta fecha, y en el Artículo Sexto de este Reglamento.

Artículo III. En ningun caso se diferirá la sentencia definitiva de los Tribunales que han de conocer in estos juicios por mas de dos meses, ya sea por motivo de ausencia de los testigos, ó ya por otra causa cualquiera, salvo cuando

las partes interesadas interpongan recurso; en cuyo caso, y siempre que dicha parte ó partes interesadas presenten fianzas suficientes de abonar los gastos y tomar sobre sí los riesgos de la dilacion, los Tribunales podrán conceder, á su arbitrio, una nueva prorroga que no exceda de cuatro meses. Las partes podrán emplear, para que las dirijan en los juicios de que se trata, á la persona ó personas que les convengan.

Todas las actuaciones ó procedimientos esenciales de los respectivos Tribunales se extenderán por escrito, y en el idioma del pais á que pertenezca el mencionado Tribunal.

Artículo IV. Si la embarcacion apresada fuere absuelta por la sentencia del Tribunal, la embarcacion y su cargamento se entregarán, en el estado en que entonces se encuentren, al capitan, ó á la persona que le represente; y dicho capitan, ó la persona que haga sus veces, podrá reclamar ante el mismo Tribunal la evaluacion del resarcimiento de perjuicios que tenga derecho de pedir.

El aprehensor, y, en su defecto, el Gobierno de que sea subdito, quedará responsable al pago de los perjuicios á que hayan sido declarados acreedores el capitan de la mencionada embarcacion, ó los propietarios de la misma ó de su cargamento.

Las dos Altas Partes Contratantes se obligan á satisfacer, dentro del termino de un año contado desde el dia de la fecha de la sentencia, las costas y perjuicios que el mencionado Tribunal haya concedido, quedando mutuamente entendido y convenido, que estas costas y perjuicios serán satisfechos por el Gobierno del pais á que pertenezca el aprehensor.

Artículo V. Si la embarcacion aprehendida fuere condenada, será declarada buena presa, con su cargamento, sea de la naturaleza que fuere; y dicha embarcacion será vendida, igualmente que su cargamento, á publica subasta en beneficio de ambos Gobiernos, despues de satisfechas los gostos que abajo se expresan.

Artículo VI. Los Tribunales examinarán tambien, y juzgarán definitivamente y sin apelacion, todas las reclamaciones por compensacion de pérdidas ocasionadas á los buques y cargamentos que hayan sido detenidos con arreglo á las estipulaciones del presente Tratado, pero que no

hayan sido declarados presas legales por los mencionados Tribunales; y en todos los casos en que se decrete la restitucion de dichos buques y cargamentos, salvo en los mencionados en el Artículo Decimo del Tratado al que este Reglamento corre anexo, y en una parte subsiguiente de este mismo Reglamento, los Tribunales concederán al reclamante ó reclamantes, á su apoderado ó apoderados legalmente instituidos al efecto, una justa y completa indemnizacion por todos las costas del proceso, por todas las perdidas y perjuicios que el propietario ó propietarios hayan experimentado efectivamente en consecuencia de dicha captura y detencion; quedando convenido que la indemnizacion se verificará del modo siguiente:

Primero. En caso de perdida total, el reclamante ó reclamantes serán indemnizados:

A. Por el buque, sus aparejos, su equipo y provisiones.

B. Por todos los fletes debidos y pagadoros.

C. Por el valor del cargamento de mercancias, si habia algunas, deduciendo todas las cargas y todos los gastos que se hubiesen pagado por la venta de dicho cargamento, inclusa la comision de venta.

D. Por todas las demas cargas que regularmente ocurren en el mencionado caso de perdida total.

Segundo. En todos los demas casos (excepto los mencionados mas abajo) en que no se haya verificado la perdida total, el reclamante ó reclamantes serán indemnizados:

A. Por todos los perjuicios y gastos especiales ocasionados al buque por la detencion, y por la pérdida de los fletes debidos ó pagaderos.

B. Por estadías, cuando sean debidas, con arreglo á la tarifa anexa al presente Artículo.

C. Por cualquiera avería ó deterioro del cargamento.

D. Por cualquier premio de seguros sobre riesgos adicionales.

El reclamante ó reclamantes tendrán derecho al interes de un cinco por ciento anual sobre la suma concedida, hasta que dicha suma sea pagada por el Gobierno á que pertenezca el buque apresador. El importe total de todas las mencionadas indemnizaciones se calculará en moneda del pais á que pertenezca la embarcacion apresada, y se liquidará al cambio corriente al tiempo de hacerse la concesion.

Sin embargo, las dos Altas Partes Contratantes han convenido en que si se prueba á satisfaccion de los Tribunales que el aprehensor ha sido inducido á error por culpa del capitan ó comandante de la embarcacion capturada, esta embarcacion capturada no tendrá derecho á cobrar, por el tiempo de su detencion, las estadias estipuladas en el presente Artículo, ni compensacion alguna por perdidas, daños, ó gastos consiguientes á su aprehension.

Tarifa de estadias ó sea abono diario para una embarcacion desde

				Libras Esterlinas.		
100	toneladas	á	120	inclusive	5	Por dia.
121	. .		150	. .	6	
151	. .		170	. .	8	
171	. .		200	. .	10	
201	. .		220	. .	11	
221	. .		250	. .	12	
251	. .		270	. .	14	
271	. .		300	. .	15	

y así proporcionalmente.

Artículo VII. Ni los magistrados que formen los Tribunales, ni los secretarios, ni los empleados subalternos, pedirán ni recibirán de ninguna de las partes interesadas en los casos que se presenten ante los dichos Tribunales, ningun emolumento ó dadiva, bajo ningun pretexto, por el cumplimiento de sus deberes.

Los infrascritos Plenipotenciarios han convenido, con arreglo al Artículo XIII° del Tratado de esta fecha, que el Reglamento que precede, y consta de siete Artículos, correrá anexo á dicho Tratado, y será considerado como parte integrante del mismo.

Fechos en la ciudad de Mexico, á veinte y cuatro de Febrero, de mil ochocientos cuarenta y uno.

(L.S.) Luis Gonzaga Cuevas.
(L.S.) Richard Pakenham.

PIEZA C *anexa al Tratado entre la Republica Mexicana y la Gran Bretaña, para la abolicion del Trafico de Esclavos.*

Reglamento para el trato de los Negros emancipados.

ARTICULO I. El objeto de este Reglamento es asegurar á los Negros emancipados por las estipulaciones del Tratado á que está anexo bajo la letra C, un buen trato permanente, y una entera y completa emancipacion, en conformidad con las benéficas intenciones de las Altas Partes Contratantes.

Artículo II. Luego que los Esclavos sean desembarcados, conforme á las prevenciones del Artículo VII del Tratado á que corre anexo este Reglamento, recibirán de la autoridad superior politica un certificado de emancipacion, y se pondrán inmediatamente á disposicion del Gobierno de la nacion á la cual pertenezca el punto ó lugar de desembarco, para que sean tratados conforme al presente Reglamento.

Artículo III. El Gobierno de la Republica Mexicana se compromete, en su caso, á asegurar á los Negros la conservacion de la libertad adquirida; un buen trato; la instruccion suficiente en los dogmas de la religion y de la moral; y la que sea necesaria para que puedan mantenerse como artesanos, menestrales, ó criados de servicio.

Artículo IV. Su Majestad Britanica se obliga igualmente á tratar á los dichos Negros desembarcados en cualquier punto de sus dominios, en absoluta conformidad con las leyes vigentes en las colonias de la Gran Bretaña respecto al regimen de los Negros emancipados.

Artículo V. Ambos Gobiernos se comprometen á tomar las disposiciones necesarias con el fin de tener noticia periodicamente de la existencia de los Negros que hayan sido emancipados en virtud del Tratado de esta fecha, de las mejoras de su condicion, y de los progresos de su enseñanza asi religiosa y moral como industrial; ó de las constancias de su fallecimiento. Estos datos servirán para ministrar, en su caso, el informe de que habla el Artículo XII del mismo Tratado.

Los infrascritos Plenipotenciarios se han convenido, de conformidad con el Artículo XIII del Tratado de esta fecha, en que el presente Reglamento, compuesto de cinco Artículos, esté anexo á dicho Tratado, y se considere como parte integrante de él.

Fecho en la ciudad de Mexico, á veinte y cuatro de Febrero, en el año del Senor de mil ochocientos cuarenta y uno.

(L.S.) Luis Gonzaga Cuevas.
(L.S.) Richard Pakenham.

Habiendose concluido entre la Republica Mexicana, y Su Majestad la Reyna del Reyno Unido de la Gran Bretaña e Irlanda en 24 de Febrero, de 1841, un Tratado para la supresion del Trafico de Esclavos bajo el pabellon Mexicano:

Y en atencion á que imprevistas circunstancias han impedido el cange de las ratificaciones de dicho Tratado dentro del tiempo estipulado en su Artículo XV, el Excelentisimo Señor Presidente de la Republica Mexicana, y Su Majestad la Reyna del Reyno Unido de la Gran Bretaña e Irlanda, han juzgado oportuno entrar en un arreglo para la ampliacion del periodo asignado para el cange de las ratificaciones del Tratado referido:

Por tanto han nombrado como sus Plenipotenciarios *ad hoc:*

El Excelentisimo Señor Presidente de la Republica Mexicana, á su Excelencia el Señor Don José Maria Tornel, General de Division, y Ministro de Estado y del Despacho de Guerra y Marina;

Y Su Majestad la Reyna del Reyno Unido de la Gran Bretaña e Irlanda, al Señor Don Ricardo Pakenham, su Ministro Plenipotentiario en la Republica de Mexico:

Quienes, habiendo examinado sus plenos poderes, y halladolos en buena y debida forma, han convenido en el siguiente Artículo Adicional al Tratado de 24 de Febrero de 1841.

Artículo Adicional.

Las ratificaciones del Tratado para la supresion del Trafico de Esclavos bajo el pabellon Mexicano, concluido en Mexico en 24 de Febrero de 1841, serán cangeadas en Londres dentro de seis meses contados desde la fecha de este Convenio.

El presente Artículo Adicional tendrá la misma fuerza y valor que si hubiera sido insertado á la letra en el Tratado referido de 24 de Febrero de 1841, y sus ratificaciones serán cangeadas en Londres al mismo tiempo que las del Tratado de que forma parte.

En fe de lo cual, los Plenipotenciarios respectivos han firmado el presente Convenio, y lo han sellado con sus sellos respectivos.

Fecho en la ciudad de Mexico, el dia trece de Abril del año del Señor de mil ochocientos cuarenta y dos.

(L.S.) JOSE MARIA TORNEL.
(L.S.) RICHARD PAKENHAM.

MUSCAT.

TREATY *between Great Britain and Muscat*—*Concluded at Muscat the* 10*th of September*, 1822.

Statement of the Requisitions made to his Highness the Imaum of Muscat, by Captain Moresby, of His Majesty's Ship "Menai," Commissioner, vested with full powers by his Excellency Sir Robert T. Farquahar, Baronet, Governor of the Island of Mauritius, &c. &c. &c.

1st. THE Imaum to abolish the foreign Slave Trade for ever in his dominions.

Translation of the Answers in Arabic, under the hand and seal of his Highness the Imaum of Muscat, to the Requisitions made by Captain Moresby, of His Majesty's Ship "Menai," Commissioner, &c. &c. &c.

1st. I DID write last season to all my officers, positively prohibiting the sale of Slaves to any Christian nation, and I will repeat those orders.

Artículo Adicional.

Las ratificaciones del Tratado para la supresion del Trafico de Esclavos bajo el pabellon Mexicano, concluido en Mexico en 24 de Febrero de 1841, serán cangeadas en Londres dentro de seis meses contados desde la fecha de este Convenio.

El presente Artículo Adicional tendrá la misma fuerza y valor que si hubiera sido insertado á la letra en el Tratado referido de 24 de Febrero de 1841, y sus ratificaciones serán cangeadas en Londres al mismo tiempo que las del Tratado de que forma parte.

En fe de lo cual, los Plenipotenciarios respectivos han firmado el presente Convenio, y lo han sellado con sus sellos respectivos.

Fecho en la ciudad de Mexico, el dia trece de Abril del año del Señor de mil ochocientos cuarenta y dos.

(L.S.) JOSE MARIA TORNEL.
(L.S.) RICHARD PAKENHAM.

MUSCAT.

TREATY *between Great Britain and Muscat*—*Concluded at Muscat the* 10*th of September*, 1822.

Statement of the Requisitions made to his Highness the Imaum of Muscat, by Captain Moresby, of His Majesty's Ship "Menai," Commissioner, vested with full powers by his Excellency Sir Robert T. Farquahar, Baronet, Governor of the Island of Mauritius, &c. &c. &c.

1st. THE Imaum to abolish the foreign Slave Trade for ever in his dominions.

Translation of the Answers in Arabic, under the hand and seal of his Highness the Imaum of Muscat, to the Requisitions made by Captain Moresby, of His Majesty's Ship "Menai," Commissioner, &c. &c. &c.

1st. I DID write last season to all my officers, positively prohibiting the sale of Slaves to any Christian nation, and I will repeat those orders.

2nd. The Imaum to order the seizure of all such vessels attempting the foreign Slave Traffic, and to seize and punish the captain and crew as pirates.

2nd. I will send orders to all the officers throughout my dominions, that if they find (the owners of) any Arab vessels buying Slaves for sale in Christian countries, they must take possession of all such vessels, and inflict punishment on the commanders(owners)thereof, even though they be bound for Madagascar.

3rd. The Imaum to punish all persons serving on board ships dealing in Slaves, who do not give information to the Imaum, or his governors, that they have been Slave dealing.

3rd. I will instruct my officers, and publish generally such instructions throughout my dominions, that the crews of any vessels carrying Slaves for sale, in Christian countries, be enjoined, on their return to the Arab port, to give information to the authority at such port, that he may punish the commanders, and that if they come to be detected in concealing such information, they (the crews) shall themselves suffer punishment.

4th. His Highness to appoint at such places as His Majesty the King of Great Britain may wish, habitations for the residence of Consuls, Agents, or others charged with the suppression of the Slave Trade by English subjects; such Consuls, Agents, or others, are to receive the assistance, on application, of his Highness the Imaum, or his lieutenant-governor, or

4th. The authority you require, permitting the settlement of an Agent on your part in Zanzibar and the neighbouring parts, for the purpose of having intelligence, and watching the Traffic in Slaves with Christian nations is granted, and I now give it to Captain Moresby.

others, for the apprehension and detention of any English subjects who may attempt the Traffic.

5th. The Imaum to authorize British cruizers to seize all Arab vessels that may be found loaded with Slaves, after the expiration of four months from the present date, if bound to any port out of his Highness' dominions.

6th. The Imaum or his governors to provide all Arab vessels with passes (port-clearances). Any vessels found with Slaves on board, who have not such port-clearances, to be seized according to the 5th Requisition, by any British cruizers that may meet them.

(Signed)
FAIRFAX MORESBY,
Captain, Her Majesty's ship "Menai.

5th. The authority you have required, permitting (to you) after the expiration of four months, the seizure of all vessels laden with Slaves bound for Christian countries, is hereby granted to Captain Moresby.

6th. I will write to my governors, regarding the statement to be given in writing to all ships departing on a voyage, certifying from what port they have come and whither they are bound; and you may seize every vessel you may fall in with beyond Madagascar, and in the sea of Mauritius, after four months from the date of the permission contained in the answer to the 5th Requisition above acceded to; and you may carry into me, for my disposal, any ship you may meet even on this side (the Isle of France), provided she have not the written statement required from the governor of the port whence she sailed.

Signature of the Imaum.
(L.S.)

Additional Requisition by Captain Moresby, to the Imaum of Muscat.

THAT it may be understood in the most comprehensive manner, where Arab ships are liable to seizure by His Majesty the King of England's cruizers, after the expiration of four months, the Imaum to authorize that the King of England's cruizers finding Arab ships with Slaves on board to the eastward of a line drawn from Cape Delgado, passing sixty miles east of Socotra, on to Diu Head, forming the western point of the Gulf of Cambay (unless driven by stress of weather), shall be seized and treated by His Majesty's cruizers in the same manner as if they were under the English flag.

(Signed) F. MORESBY,
Captain, Her Majesty's ship "Menai."

Reply.

I HAVE permitted captains of ships of the Government of the English State ("Surkar il doivent il mgly seed") to seize all Arab vessels loaded with Slaves for the foreign market, that shall be found to the eastward of the prescribed line, after the expiration of four months from the date of the 5th Requisition already agreed to; but ships driven by stress of weather without the said line, must suffer no molestation.

Signature of the Imaum.
(L.S.)

Article XV of the Convention of Commerce between Her Majesty and the Imaum of Muscat, signed at Zanzibar, May 31, 1839.

HIS Highness the Sultan of Muscat hereby renews and confirms the engagements entered into by his Highness with Great Britain on the 10th September, 1822, for the entire suppression of Slave Trade between his dominions and all Christian countries; and his Highness further

engages that the ships and vessels of war belonging to the East India Company shall be allowed to give full force and effect to the stipulations of the said Treaty, agreeably with the conditions prescribed therein, and in the same manner as the ships and vessels of Her Britannic Majesty.

Memorandum by the Secretary to Government, in the Secret Department, dated 23rd April, 1842.—(Inclosed in India Board Letter of July 12, 1842.)

THE following are the three Articles which his Highness the Imaum of Muscat consented, on the 17th December, 1839, to being added to the Treaty concluded with his Highness by Captain Moresby, under date the 10th September, 1822, prohibiting any Traffic in Slaves being carried on by sea, within certain limits in his Highness's territories:—

"I agree that the following Articles be added to the above Treaty concluded by Captain Moresby on the aforesaid date:—

"1st. That the Government cruizers, whenever they may meet any vessel belonging to my subjects beyond a direct line, drawn from Cape Delgado, passing two degrees seaward of the Island of Socotra, and ending at Passein, and shall suspect that such vessel is engaged in the Slave Trade, the said cruizers are permitted to detain and search it.

"2nd. Should it on examination be found that any vessel belonging to my subjects is found carrying Slaves, whether men, women, or children, for sale, beyond the aforesaid line, then the Government cruizers shall seize and confiscate such vessel and her cargo. But if the said vessel shall pass beyond the aforesaid line owing to stress of weather, or other case of necessity not under control, then she shall not be seized.

"3rd. As the selling of males and females, whether grown-up or young, who are hoor or free, is contrary to the Mahomedan religion, and whereas the Soomalees are included in the hoor or free, I do hereby agree that the

sale of males and females, whether young or old, of the Soomalee tribe, shall be considered as piracy, and that four months from this date, all those of my people convicted of being concerned in such an act shall be punished as pirates."

NETHERLANDS.

TREATY *between His Britannic Majesty and His Majesty the King of the Netherlands, for preventing their Subjects from engaging in any Traffic in Slaves.—Signed at The Hague, May* 4, 1818.

[Ratifications exchanged at The Hague, May 25, 1818.]

In the Name of the Most Holy Trinity.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, animated with a mutual desire to adopt the most effectual measures for putting a stop to the carrying on of the Slave Trade by their respective subjects, and for preventing their respective flags from being made use of as a protection to this nefarious traffic, by the people of other countries who may engage therein: their said Majesties have accordingly resolved to proceed to the arrangement of a Convention for the attainment of their objects, and have therefore named as Plenipotentiaries, *ad hoc:*—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard, Earl of Clancarty, Viscount Dunlo, Baron Kilconnel, Baron Trench of Garbally, in the United Kingdom of Great Britain and Ireland, one of His Majesty's Most Honourable Privy Council in Great Britain and also in Ireland, Member of the Committee of the first for the Affairs of Commerce and Colonies, Colonel of the Regiment of Militia of the County of Galway, Knight Grand Cross of the Most Honourable Order of the Bath, Ambassador Extraordinary and Plenipotentiary of His said Majesty to His Majesty the King of the Netherlands, Grand Duke of Luxembourg; and His Majesty the King of the Nether-

*

lands, Anne William Charles, Baron de Nagell d'Ampsen, Member of the Body of Nobles of the Province of Guelderland, Knight Grand Cross of the Order of the Belgic Lion and of that of Charles the Third, Chamberlain and Minister of State holding the Department of Foreign Affairs; and Cornelius Felix van Maanen, Commander of the Order of the Belgic Lion, and Minister of State holding the Department of Justice: who, having exchanged their full powers, found in good and due form, have agreed on the following Articles:—

ARTICLE I. The laws of the United Kingdom of Great Britain and Ireland rendering it already highly penal for the subjects of His Britannic Majesty to carry on, or to be in any way engaged in Trade in Slaves, His Majesty the King of the Netherlands, referring to the 8th Article of the Convention entered into with His Britannic Majesty on the 13th August, 1814, engages in pursuance thereof, and within eight months from the ratification of these presents, or sooner if possible, to prohibit all his subjects, in the most effectual manner, and especially by penal law the most formal, to take any part whatever in the Trade of Slaves; and in the event of the measures already taken by the British Government, and to be taken by that of the Netherlands, being found ineffectual or insufficient, the High Contracting Parties mutually engage to adopt such further measures, whether by legal provision or otherwise, as may from time to time appear to be best calculated, in the most effectual manner, to prevent all their respective subjects from taking any share whatever in this nefarious traffic.

Article II. The two High Contracting Parties, for the more complete attainment of the object of preventing all Traffic in Slaves, on the part of their respective subjects, mutually consent that the ships of their royal navies, which shall be provided with special Instructions for this purpose, as hereinafter mentioned, may visit such merchant-vessels of the two nations, as may be suspected, upon reasonable grounds, of having Slaves on board for an illicit traffic; and in the event only of their finding such Slaves on board, may detain and bring away such vessels, in order that they may be brought to trial before the tribunals established for this purpose as shall hereinafter be specified.

Article III. In the intention of explaining the mode of execution of the preceding Article, it is agreed,—

1st. That such reciprocal right of visit and detention shall not be exercised within the Mediterranean Sea, or within the seas in Europe lying without the Straits of Gibraltar, and which lie to the northward of the thirty-seventh parallel of north latitude, and also within, and to the eastward of the meridian of longitude twenty degrees west of Greenwich.

2nd. That the names of the several vessels furnished with such Instructions, the force of each, and the names of their several commanders, shall be, from time to time, immediately upon their issue, communicated by the Power issuing the same to the other High Contracting Party.

3rd. That the number of ships of each of the royal navies authorized to make such visit as aforesaid, shall not exceed the number of twelve, belonging to either of the High Contracting Parties, without the special consent of the other High Contracting Party being first had and obtained.

4th. That if at any time it should be deemed expedient that any ship of the royal navy of either of the two High Contracting Parties authorized to make such visit as aforesaid, should proceed to visit any merchant-ship or ships under the flag, and proceeding under the convoy of any vessel or vessels of the royal navy of the other High Contracting Party, that the commanding officer of the ship duly authorized and instructed to make such visit, shall proceed to effect the same in communication with the commanding officer of the convoy, who, it is hereby agreed, shall give every facility to such visit, and to the eventual detainer of the merchant-ship or ships so visited, and in all things assist to the utmost of his power in the due execution of the present Convention, according to the true intent and meaning thereof.

5th. It is further mutually agreed, that the commanders of the ships of the two royal navies, who shall be employed on this service, shall adhere strictly to the exact tenor of the instructions which they shall receive for this purpose.

Article IV. As the two preceding Articles are entirely

reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects may incur unjustly, by the arbitrary and illegal detention of their vessels; it being understood that this indemnity shall invariably be borne by the Government whose cruizer shall have been guilty of the arbitrary detention; and that the visit and detention of ships specified in this Article shall only be effected by those British or Netherland vessels which may form part of the two royal navies, and by those only of such vessels which are provided with the special Instructions annexed to the present Treaty, in pursuance of the provisions thereof.

Article V. No British or Netherland cruizer shall detain any ship whatever not having Slaves actually on board; and in order to render lawful the detention of any ship, whether British or Netherland, the Slaves found on board such vessel must have been brought there for the express purpose of the traffic.

Article VI. All ships of the royal navies of the two nations, which shall hereafter be destined to prevent the Traffic in Slaves, shall be furnished by their respective Governments with a copy of the Instructions annexed to the present Treaty, and which shall be considered as an integral part thereof.

These Instructions shall be written in the Dutch and English languages, and signed for the vessels of each of the two Powers, by the minister of their respective marine.

The two High Contracting Parties reserve the faculty of altering the said Instructions, in whole or in part, according to circumstances; it being, however, well understood, that the said alterations cannot take place but by the common agreement, and by the consent of the two High Contracting Parties.

Article VII. In order to bring to adjudication, with the least delay and inconvenience, the vessels which may be detained for having been engaged in a Traffic of Slaves, according to the tenor of the Fifth Article of this Treaty, there shall be established, within the space of a year at furthest from the exchange of the ratifications of the present Treaty, two Mixed Courts of Justice, formed of an equal number of individuals of the two nations, named for this purpose by their respective sovereigns.

These Courts shall reside—one in a possession belonging to His Britannic Majesty, the other within the territories of His Majesty the King of the Netherlands; and the two Governments, at the period of the exchange of the ratifications of the present Treaty, shall declare, each for its own dominions, in what places the Courts shall respectively reside. Each of the two High Contracting Parties reserving to itself the right of changing, at its pleasure, the place of residence of the Court held within its own dominions; provided, however, that one of the two Courts shall always be held upon the coast of Africa, and the other in one of the colonial possessions of His Majesty the King of the Netherlands.

These Courts shall judge the causes submitted to them according to the terms of the present Treaty, without appeal, and according to the Regulations and Instructions annexed to the present Treaty, of which they shall be considered as an integral part.

Article VIII. In case the commanding officer of any of the ships of the royal navies of Great Britain, and of the Netherlands, commissioned under the Second Article of this Treaty, shall deviate in any respect from the dispositions of the said Treaty, and shall not be enabled to justify himself, either by the tenor of the said Treaty, or of the Instructions annexed to it, the Government which shall conceive itself to be wronged by such conduct, shall be entitled to demand reparation; and in such case, the Government to which the captor may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the captor, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed.

Article IX. The acts or instruments annexed to this Treaty, and which form an integral part thereof, are as follows:

A. Instructions for the ships of the royal navies of both nations, destined to prevent the Traffic in Slaves.

B. Regulations for the Mixed Courts of Justice, which are to hold their sittings on the coast of Africa, and in one of the colonial possessions of His Majesty the King of the Netherlands.

Article X. The present Treaty, consisting of ten Articles, shall be ratified, and the ratifications exchanged within the space of one month from this date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and thereunto affixed the seal of their arms.

Done at The Hague, this fourth of May, in the year of Our Lord one thousand eight hundred and eighteen.

(Signed) CLANCARTY. (L.S.)
A. W. C. DE NAGELL. (L.S.)
VAN MAANEN. (L.S.)

ANNEXES.

Instructions for the Ships of the British and Netherland Royal Navies, employed to prevent the Traffic in Slaves.

ARTICLE I. Every ship of the royal British or Netherland navy, which, furnished with these Instructions, shall in conformity with the Second Article of the Treaty of this date, have a right to visit the merchant-ships of either of the two Powers actually engaged, or suspected to be engaged in the Slave Trade, may, except in the seas exempted by the Third Article of the said Treaty, proceed to such visit; and should any Slaves be found on board, brought there for the express purposes of the traffic, the commander of the said ship of the royal navy may detain them, and having detained them, he is to bring them as soon as possible for judgment, before that of the two Mixed Courts of Justice, appointed by the Seventh Article of the Treaty of this date, which shall be the nearest, or which the commander of the capturing ship shall, upon his own responsibility, think he can soonest reach from the spot where the ship shall have been detained.

Ships, on board of which no Slaves shall be found, intended for purposes of traffic, shall not be detained on any account or pretence whatever.

Negro servants or sailors that may be found on board the said vessels cannot in any case be deemed a sufficient cause for detention.

Article II. Whenever a ship of the royal navy, so commissioned, shall meet a merchantman liable to be searched, it shall be done in the mildest manner, and with every attention which is due between allied and friendly nations; and in no case shall the search be made by an officer holding a rank inferior to that of lieutenant in the navies of Great Britain and of the Netherlands.

Article III. The ships of the royal navies so commissioned, which may detain any merchant-ship, in pursuance of the tenor of the present Instructions, shall leave on board all the cargo, as well as the master, and a part at least of the crew of the above-mentioned ship: the captor shall draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained ship, and the changes which may have taken place in it. He shall deliver to the master of the detained ship, a signed certificate of the papers seized on board the said vessel, as well as the number of Slaves found on board at the moment of detention.

The Negroes shall not be disembarked till after the vessels which contain them shall be arrived at the place where the legality of the capture is to be tried by one of the two Mixed Courts, in order that, in the event of their not being adjudged legal prize, the loss of the proprietors may be more easily repaired. If, however, urgent motives, deduced from the length of the voyage, the state of health of the Negroes, or other causes, required that they should be disembarked entirely or in part, before the vessel could arrive at the place of residence of one of the said Courts, the commander of the capturing ship may take on himself the responsibility of such disembarkation, provided that the necessity be stated in a certificate in proper form.

Regulations for the Mixed Courts of Justice, which are to reside on the coast of Africa, and in a Colonial Possession of His Majesty the King of the Netherlands.

ARTICLE I. The Mixed Courts of Justice, to be established by the Treaty of this date, upon the coast of Africa and in a colonial possession of His Majesty the King of the Netherlands, are appointed to decide upon the legality of the detention of such vessels as the cruizers of both nations shall detain in pursuance of this same Treaty.

The above-mentioned Courts shall judge definitively and without appeal, according to the present Treaty.

The proceeding shall take place as summarily as possible: the Courts are required to decide (as far as they shall find it practicable), within the space of twenty days, to be dated from that on which every detained vessel shall have been brought into the port where they shall reside,—First, upon the legality of the capture;—Secondly, in the cases in which the captured vessel shall have been liberated, as to the indemnification which the said vessel is to receive.

And it is hereby provided, that in all cases the final sentence shall not be delayed on account of the absence of witnesses, or for want of other proofs, beyond the period of two months, except upon the application of any of the parties interested, when, upon their giving satisfactory security to charge themselves with the expense and risks of the delay; the Courts may at their discretion grant an additional delay not exceeding four months.

Article II. Each of the above-mentioned Mixed Courts, which are to reside on the coast of Africa, and in a colonial possession of His Majesty the King of the Netherlands, shall be composed in the following manner:

The two High Contracting Parties shall each of them name a judge and an arbitrator, who shall be authorized to hear and to decide without appeal all cases of capture of vessels which, in pursuance of the stipulations of the Treaty of this date, shall be brought before them. All the essential parts of the proceedings carried on before these Mixed Courts shall be written down in the legal language of the country in which the Court may reside.

The judges and the arbitrators shall make oath before

the principal magistrate of the place in which the Courts may reside, to judge fairly and faithfully, to have no preference either for the claimants or the captors, and to act in all their decisions, in pursuance of the stipulations of the Treaty of this date.

There shall be attached to each Court a secretary or registrar, appointed by the sovereign of the country in which the Court may reside, who shall register all its acts, and who, previous to his taking charge of his post, shall make oath before the Court to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to his charge.

Article III. The form of the process shall be as follows:—

The judges of the two nations shall, in the first place, proceed to the examination of the papers of the vessels, and to receive the depositions of the captain, and of two or three at least of the principal individuals on board of the detained vessel, as well as the declaration on oath of the captor, should it appear necessary, in order to be able to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the present Treaty, and in order that according to this judgment it may be condemned or liberated. And, in the event of the two judges not agreeing in the sentence they ought to pronounce, whether as to the legality of the detention, or the indemnification to be allowed, or any other question which might result from the stipulations of the present Treaty, they shall draw by lot the name of one of the two arbitrators, who, after having considered the documents of the process, shall consult with the above-mentioned judges on the case in question, and the final sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned judges and of the above-mentioned arbitrator.

Article IV. In the authenticated declaration which the captor shall make before the Court, as well as in the certificate of the papers seized, which shall be delivered to the captain of the captured vessel at the time of the detention, the above-mentioned captor shall be bound to declare his name, the name of his vessel, as well as the latitude and

longitude of the place where the detention shall have taken place, and the number of Slaves found on board of the ship at the time of the detention.

Article V. As soon as sentence shall have been pronounced, the detained vessel, if liberated, and the cargo, in the state in which it shall then be found, shall be restored to the master, or the person who represents him, who may, before the same Court, claim a valuation of the damages which they may have a right to demand: the captor himself, and, in his default, his Government, shall remain responsible for the above-mentioned damages.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be granted by the above-named Court, it being understood that these costs and damages shall be at the expense of the Power of which the captor shall be a subject.

Article VI. In case of the condemnation of a vessel, she shall be declared lawful prize, as well as her cargo, of whatever description it may be, with the exception of the Slaves who may be on board as objects of commerce; and the said vessel, as well as her cargo, shall be sold by public sale, for the profit of the two Governments; and as to the Slaves, they shall receive from the Mixed Court a certificate of emancipation, and shall be delivered over to the Government on whose territory the Court which shall have so judged them shall be established, to be employed as servants or free labourers.

Each of the two Governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it.

Article VII. The Mixed Courts shall also take cognizance and decide according to the Third Article of this Regulation, on all claims for compensation, on account of losses occasioned to vessels detained under suspicion of having been engaged in the Slave Trade, but which shall not have been condemned as legal prize by the said Courts; and in all cases wherein restitution shall be decreed, the Court shall award to the claimant or claimants, his or their lawful attorney or attornies, for his or their use, a just and complete indemnification for all costs

of suit, and for all losses and damages which the claimant or claimants may have actually sustained by such capture and detention; that is to say, first, in case of total loss, the claimant or claimants shall be indemnified,—

a. For the ship, her tackle, apparel and stores.

b. For all freights due and payable.

c. For the value of the cargo of merchandize, if any; deducting for all charges and expenses payable upon the sale of such cargoes, including commission of sale.

d. For all other regular charges, in such cases of total loss; and,

Secondly, in all other cases not of total loss, the claimant or claimants shall be indemnified,—

a. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight, when due or payable.

b. A demurrage when due, according to the Schedule annexed to the present Article.

c. For any deterioration of cargo.

d. An allowance of five per cent. on the amount of the capital employed in the purchase of cargo, for the period of delay occasioned by the detention; and,

e. For all premium of insurance on additional risks.

The claimant or claimants shall in all cases be entitled to interest, at the rate of 5 per cent. per annum on the sum awarded, until paid by the Government to which the capturing ship belongs, the whole amount of such indemnifications being calculated in the money of the country to which the captured ship belongs, and to be liquidated at the exchange current at the time of the award.

The two High Contracting Parties wishing, however, to avoid as much as possible every species of fraud in the execution of the Treaty of this date, have agreed, that if it should be proved, in a manner evident to the conviction of the judges of the two nations, and without having recourse to the decision of an arbitrator, that the captor has been led into error by a voluntary and reprehensible fault on the part of the captain of the detained ship; in that case only, the detained ship shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the present Article.

Schedule of Demurrage or Daily Allowance for a Vessel of

100	tons to	120	inclusive,	£5	per diem.
121	do.	150	do.	6	
151	do.	170	do.	8	
171	do.	200	do.	10	
201	do.	220	do.	11	
221	do.	250	do.	12	
251	do.	270	do.	14	
271	do.	300	do.	15	

and so on in proportion.

Article VIII. Neither the judges nor the arbitrators, nor the secretary of the Mixed Court, shall be permitted to demand, or receive from any of the parties concerned in the sentences which they shall pronounce, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present Regulation.

Article IX. The two High Contracting Parties have agreed that, in the event of the death or legal impeachment of one or more of the judges or arbitrators composing the above-mentioned Mixed Courts, their posts shall be supplied, *ad interim*, in the following manner:—

On the part of the British Government, the vacancies shall be filled successively in the Court which shall sit within the possessions of His Britannic Majesty, by the governor or lieutenant-governor resident in that colony, by the principal magistrate of the same, and by the secretary; and in that which shall sit within the possessions of His Majesty the King of the Netherlands, it is agreed that, in case of the death of the British judge or arbitrator there, the surviving individuals of the said Court shall proceed equally to the judgment of such ships as may be brought before them, and to the execution of their sentence.

On the part of the Netherlands, the vacancies shall be supplied, in the possessions of His Majesty the King of the Netherlands, successively by the governor or lieutenant-governor, the principal magistrate, and secretary of Government; and upon the coast of Africa, in case of the death of any Netherland judge or arbitrator, the sur-

viving members of the Court shall proceed to judgment in the same manner as above specified for the Court resident in the possession of His Majesty the King of the Netherlands, in the event of the death of the British judge or arbitrator.

The High Contracting Parties have further agreed, that the governor, or lieutenant-governor of the settlement, wherein either of the Mixed Courts shall sit, in the event of a vacancy arising, either of the judge or arbitrator of the other High Contracting Party, shall forthwith give notice of the same to the governor or lieutenant-governor of the nearest settlement of such High Contracting Party, in order that the loss may be supplied at the earliest possible period; and each of the High Contracting Parties agrees to supply definitively, as soon as possible, the vacancies that may arise in the above-mentioned Courts from death or any other cause whatever.

Traité entre Sa Majesté Britannique et Sa Majesté le Roi des Pays Bas, afin d'empêcher tout Commerce d'Esclaves de la part de leurs Sujets respectifs.—Signé à La Haye, le 4 *Mai,* 1818.

Au nom de la Très Sainte Trinité.

Sa Majesté le Roi des Pays Bas, et Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, animées d'un désir mutuel d'adopter les mesures les plus efficaces pour empêcher le Commerce des Esclaves par leurs sujets, et prévenir que d'autres nations qui s'y trouvent engagées ne se servent de leurs pavillons respectifs pour protéger cet odieux trafic; leurs dites Majestés ont résolu de procéder à la conclusion d'un Traité pour atteindre ce double but, et ont nommé à cette fin leurs Plénipotentiaires *ad hoc,* savoir:—

Sa Majesté le Roi des Pays Bas, le Sieur Anne Willem Carel, Baron de Nagell d'Ampsen, Membre du Corps des Nobles de la Province de Gueldre, Grand-Croix des Ordres du Lion Belgique et de Charles III., son Chambellan et Ministre d'Etat ayant le Département des Affaires Etrangères; et le Sieur Cornelis Felix van Maanen, Commandeur

de l'Ordre du Lion Belgique, son Ministre d'Etat ayant le Département de la Justice; et Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le très Honorable Richard Comte de Clancarty, Vicomte Dunlo, Baron Kilconnel, Baron Trench de Garbally, du Royaume Uni de la Grande Bretagne et d'Irlande, Conseiller en son Conseil Privé de la Grande Bretagne et d'Irlande, Membre du Comité du premier pour les Affaires de Commerce et des Colonies, Colonel du Régiment de Milice du Comté de Galway, Chevalier Grand-Croix du très Honorable Ordre du Bain, son Ambassadeur Extraordinaire et Plénipotentiaire auprès de Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg: lesquels, après avoir échangé leurs Pleinpouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans:—

Article I. Les lois du Royaume Uni de la Grande Bretagne et de l'Irlande assujettissant déjà à de très graves peines, les sujets de Sa Majesté Britannique qui font la Traite des Nègres ou qui y seront concernés d'une manière quelconque, Sa Majesté le Roi des Pays Bas, se référant à l'Article VIII de la Convention conclue avec Sa Majesté Britannique, le 13 Août, 1814, s'engage en conséquence à défendre dans le terme de huit mois après la Ratification des présentes, ou plus tôt si faire se pourra, à tous ses sujets, de la manière la plus efficace, et spécialement par les lois pénales les plus formelles, de prendre aucune part quelconque à la Traite des Nègres; au cas que les mesures repressives contre la Traite des Nègres, déjà prises par le Gouvernement de la Grande Bretagne, et à prendre par celui des Pays Bas, fussent trouvées inefficaces ou insuffisantes, les Hautes Parties Contractantes s'engagent à y pourvoir par de nouvelles mesures législatives ou réglementaires les plus propres à atteindre le but qu'elles se proposent par le présent Traité.

Article II. Afin d'atteindre plus complètement le but de prévenir tout Commerce d'Esclaves de la part de leurs sujets respectifs, les deux Hautes Parties Contractantes consentent mutuellement à ce que les vaisseaux de leurs marines royales qui seront munis d'Instructions spéciales à cet effet, telles qu'on les trouve mentionnées ci-après, pourront visiter tels navires marchands des deux nations, qui, sur

des présomptions raisonnables, seraient suspects d'avoir des Esclaves à bord, destinés pour un commerce illicite; et dans le cas seulement qu'ils trouveraient de pareils Esclaves à bord, ils pourront arrêter et amener les navires, afin d'être mis en jugement pardevant les tribunaux établis pour cet objet, ainsi qu'il sera spécifié plus bas.

Article III. Afin d'expliquer le mode d'exécution de l'Article précédent, il est convenu,—

1°. Que ce droit réciproque de visitation et d'arrestation ne saurait être exercé dans la Mer Méditerranée, ni dans les mers Européennes situées hors du Détroit de Gibraltar au nord de la 37me parallèle de latitude septentrionale et à l'est du méridien de longitude au 20me degré à l'ouest de Greenwich.

2°. Que les noms des différens vaisseaux munis de pareilles instructions, leurs forces respectives, et les noms des commandans, seront communiqués de tems en tems et à mesure de la délivrance d'icelles, par la Puissance qui en fait l'expédition à l'autre Haute Partie Contractante.

3°. Que le nombre des vaisseaux de chacune des marines royales autorisés à exécuter la visitation susdite, ne pourra excéder le nombre de douze, appartenant à chacune des Hautes Parties Contractantes, sans le consentement exprès de l'autre Puissance, préalablement obtenu.

4°. Pour le cas où il serait jugé nécessaire qu'un vaisseau de la marine royale de l'une ou de l'autre des deux Hautes Parties Contractantes, à ce autorisé, procédât à visiter un ou plusieurs navires marchands sous le pavillon, et sous le convoi d'un ou de plusieurs vaisseaux de la marine royale de l'autre Haute Partie Contractante, l'officier commandant du vaisseau dûement autorisé et commissionné à faire pareille visitation, y procédera conjointement avec l'officier qui commande le convoi, lequel accordera toute facilité à pareille visite et à la détention éventuelle des vaisseaux marchands ainsi visités, et contribuera de tout son pouvoir à l'exécution de la présente Convention, conformément à son intention et son motif.

5°. Il est aussi convenu, que les commandans des vaisseaux des deux marines royales qui seront employés à ce service devront s'en tenir strictement à l'exacte teneur des instructions qu'ils recevront à cet effet.

Article IV. Les deux Articles précédens étant entièrement réciproques, les deux Hautes Parties Contractantes s'engagent mutuellement à indemniser leurs sujets respectifs de toutes les pertes qu'ils pourront essuyer injustement par la détention illégale et arbitraire de leurs vaisseaux; il est entendu que cette indemnisation sera invariablement à la charge du Gouvernement dont les croiseurs se seront rendus coupables de la détention arbitraire, et que la visitation et la détention des navires désignés dans ces articles ne sauraient être effectuées que par ceux d'entre les vaisseaux des Pays Bas et Britanniques, qui, non seulement font partie des deux marines royales, mais qui seront munis des Instructions spéciales annexées au présent Traité et en se conformant aux dispositions d'icelles.

Article V. Nul croiseur des Pays Bas ou Britannique ne pourra détenir un navire quelconque, s'il n'a pas actuellement des Esclaves à bord; et afin de rendre légale la détention d'un bâtiment, soit des Pays Bas ou Britannique, les Esclaves trouvés à bord d'un pareil navire doivent y avoir été conduits dans le dessein exprès d'en faire trafic.

Article VI. Les vaisseaux de la marine royale des deux nations, qui par la suite seront destinés à prévenir le Commerce des Esclaves, seront munis par leur Gouvernement respectif d'une copie des Instructions annexées au présent Traité, et duquel elles seront considérées comme faisant partie intégrante.

Ces Instructions seront en Hollandais et en Anglais, et signées, pour les vaisseaux de chacune des deux Puissances, par les ministres de leur marine respective.

Les deux Hautes Parties Contractantes se réservent la faculté d'altérer les dites Instructions, soit en tout, soit en partie, d'après les circonstances. Bien entendu cependant, qui les dites altérations ne pourront se faire que d'un accord mutuel et du consentement des deux Parties Contractantes.

Article VII. Afin d'amener en jugement avec le moins de délai et d'inconvéniens les navires qui seront détenus pour être engagés dans le Commerce des Esclaves, aux termes de l'Article V du présent Traité, il sera établi, dans l'espace d'un an au plus tard, à dater de l'échange des ratifications du présent Traité, deux Cours de Justice Mixtes, com-

posées d'un nombre égal d'individus des deux nations nommés à cet effet par leurs Souverains respectifs.

Ces Cours résideront, l'une dans une possession appartenant à Sa Majesté le Roi des Pays Bas, et l'autre sur le territoire de Sa Majesté Britannique; les deux Gouvernemens, à l'époque de l'échange des ratifications du présent Traité déclareront, chacun pour ses propres domaines, en quels endroits les Cours résideront. Chacune des deux Hautes Parties Contractantes se réservant de changer, selon que bon lui semblera, le lieu de la résidence de la Cour établie dans ses propres domaines. Pourvu néanmoins que l'une des deux Cours soit toujours tenue dans une des possessions coloniales de Sa Majesté le Roi des Pays Bas et l'autre sur la côte d'Afrique.

Ces Cours jugeront sans appel les causes qui leur seront soumises aux termes du présent Traité, et conformément aux Réglemens et Instructions y annexés, duquel ils seront considérés comme partie intégrante.

Article VIII. Dans le cas où les officiers commandans des vaisseaux des marines royales des Pays Bas et Britannique commissionnés aux termes de l'Article II, s'écarteraient des dispositions du présent Traité de quelque manière que ce fut, et qu'ils ne seraient pas en état de se justifier, soit par la teneur du Traité même, soit par celle des Instructions y annexées, le Gouvernement qui se croira lésé par une telle conduite aura droit de demander réparation, et en tel cas le Gouvernement au quel les dits officiers commandans appartiendront, s'oblige à faire instituer des enquêtes au sujet de la plainte, et à infliger, lorsqu'elle serait trouvée fondée, une punition proportionnée à la transgression commise.

Article IX. Les Actes ou Instrumens annexés au présent Traité, et qui en forment partie intégrante, sont les suivans:—

A. Les Instructions pour les vaisseaux des marines royales des deux nations, destinés à prévenir le Commerce des Esclaves.

B. Les Réglemens pour les Cours de Justice Mixtes, qui siègeront dans une des possessions coloniales de Sa Majesté le Roi des Pays Bas et sur la côte d'Afrique.

Article X. Le présent Traité, consistant en dix Articles,

sera ratifié et les Ratifications échangées dans l'espace d'un mois, ou plus tôt, si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé et y ont apposé le cachet de leurs armes.

Fait à La Haye, le quatre Mai, de l'an de Grâce mil huit cent dix-huit.

(Signé) CLANCARTY. (L.S.)
A. W. C. DE NAGELL. (L.S.)
VAN MAANEN. (L.S.)

ANNEXES.

Instructions pour les Vaisseaux des Marines Royales des Pays Bas et de la Grande Bretagne employés à prévenir le Trafic d'Esclaves.

ARTICLE I. Tout vaisseau des marines royales des Pays Bas ou Britannique qui, muni des présentes Instructions aura, en conformité de l'Article II du Traité de ce jour, le droit de visiter les navires marchands de chacune des deux Puissances actuellement engagés, ou suspects d'être engagés dans le Commerce des Esclaves, y pourra procéder hormis dans les mers exceptées par l'Article III du dit Traité, et s'il se trouvent des Esclaves à bord dans le dessein exprès d'en faire le trafic, le commandant du dit vaisseau de la marine royale aura le pouvoir de les détenir, et en cas de détention d'un navire, il le conduira afin d'être mis en jugement aussitôt que possible, devant celle des deux Cours établies par l'Article VII du Traité de ce jour, que se trouvera la plus proche, ou que lui, commandant du vaisseau capteur, jugera, sous sa responsabilité personnelle, pouvoir le plus tôt atteindre à partir du point sur lequel le navire marchand aura été visité et détenu.

Les navires à bord des quels on ne trouvera point d'Esclaves destinés à des objets de commerce, ne seront détenus sous aucune raison ou prétexte quelconques.

Des domestiques ou matelots Nègres trouvés à bord des dits navires ne pourront en aucun cas être estimés une cause suffisante de détention.

Article II. Toutes les fois qu'un vaisseau des marines royales, à ce commissionné, rencontrera un navire marchand, sujet à la visite, celle-ci se fera de la manière la

plus honnête et avec toutes les attentions que se doivent réciproquement deux nations amies et alliées; en aucun cas la recherche ne pourra être faite par un officier d'un grade inférieur à celui de lieutenant de la marine des Pays Bas et de la Grande Bretagne.

Article III. Les vaisseaux des marines royales ainsi commissionnés, qui viendront à détenir un navire marchand, d'après la teneur des présentes Instructions, laisseront à bord la cargaison entière, sans y toucher, aussi bien que le patron et au moins une partie de l'équipage du dit navire.

Le capitaine capteur couchera par écrit une déclaration authentique, qui articulera l'état dans lequel il a trouvé le navire détenu et les changemens qui pourront y être survenus.

Il délivrera au patron du navire détenu un certificat signé, des papiers saisis à bord du dit navire, aussi bien que du nombre d'Esclaves trouvés à son bord au moment de la détention.

Les Nègres ne seront point débarqués, avant que les navires qui les contiennent ne soient arrivés au lieu où la légalité de la capture doit être jugée par une des Cours Mixtes à l'effet que dans le cas où ils ne seraient point adjugée prises légales, la perte des propriétaires puisse d'autant plus aisément être réparée.

Si néanmoins des motifs urgens tirés de la longueur du voyage, de l'état sanitaire des Nègres, ou d'autres causes, requéraient qu'ils fussent débarqués en totalité ou en partie, avant que le navire pût arriver au lieu de la résidence de l'une des dites Cours, le commandant du vaisseaux capteur peut prendre sur soi la responsabilité d'un semblable débarquement, pourvû que la nécessité en soit constatée par un certificat en due forme.

Réglemens pour les Cours de Justice Mixtes qui résideront dans une des Possessions Coloniales de Sa Majesté le Roi des Pays Bas et sur la Côte d'Afrique

Article I. Les Cours de Justice Mixtes à établir d'après le Traité de ce jour dans une des possessions coloniales de Sa Majesté le Roi des Pays Bas et sur la côte d'Afrique,

sont constituées à l'effet de décider de la légalité de la détention des navires que les croiseurs des deux nations viendront à arrêter, en vertu du dit Traité.

Les Cours sus-mentionnées décideront définitivement et sans appel conformément aux stipulations du Traité.

La procédure aura lieu aussi sommairement que possible, et les Cours sont réquises de prononcer (pour autant qu'elles le trouveront praticable) dans l'espace de vingt jours, à dater de celui auquel le navire détenu aura été conduit dans les ports où les Cours résident. Elles jugeront en premier lieu de la légalité de la capture, et en second lieu (dans le cas où le navire capturé viendra à être absous), de l'indemnisation à donner au navire capturé.

Et il est statué par les présentes que dans tous les cas, la sentence définitive ne pourra être différée pour cause d'absence des témoins, ou par défaut d'autres preuves, au-delà du terme de deux mois, à moins que ce ne soit à la demande d'une des parties intéressées, en quel cas et moyennant qu'elles fournissent sûreté suffisante qu'elles se chargeront elles-mêmes de frais et risques du délai, les Cours auront le pouvoir discrétionnaire d'accorder un délai additionel, qui n'excédera pas quatre mois.

Article II. Chacune des Cours Mixtes susmentionnées qui résideront dans une des possessions coloniales de Sa Majesté le Roi des Pays Bas et sur la côte d'Afrique sera composée de la manière suivante:

Les deux Hautes Parties Contractantes nommeront chacune un juge et un arbitre qui seront autorisés à prendre connaissance et à décider sans appel de tous les cas de capture de navire, qui, en suite des stipulations du Traité de ce jour, viendront à être portés devant eux.

Toutes les parties essentielles des procédures portées pardevant les dites Cours Mixtes seront couchées par écrit dans la langue légale du pays où les Cours résideront.

Les juges et les arbitres prêteront serment ès-mains du principal magistrat de l'endroit où les Cours résideront, de juger loyalement et fidèlement, de n'accorder aucune préférence, soit aux réclamans soit aux capteurs, et de se conduire dans toutes leurs décisions, conformément aux stipulations du Traité de ce jour.

A chaque Cour sera attaché un secrétaire ou greffier

établi par le Souverain du pays où la commission résidera, lequel enregistrera tous les actes de celle-ci, et qui, avant de prendre possession de sa charge, prêtera serment pardevant la Cour, de se conduire respectueusement à son égard et d'en agir avec fidélité dans toutes les affaires du ressort de sa charge.

Article III. La manière de procéder sera comme suit:

Les juges des deux nations procéderont en premier lieu, à l'examen des papiers du navire, et à recevoir les dépositions du capitaine et de deux ou trois des principaux individus au moins du navire amené, aussi bien que la déclaration assermentée du capteur, si elle paraissait nécessaire; afin d'être en état de juger et de prononcer si le navire a été détenu justement ou non conformément aux stipulations du Traité, et afin, qu'en vertu de ce jugement, le navire puisse être condamné ou absous. Et dans le cas où les deux juges ne s'accorderaient pas sur la sentence à prononcer par eux, soit quant à la légalité de la détention, soit quant à l'indemnisation à allouer ou sur toute autre question qui pourrait résulter des stipulations du Traité, ils tireront au sort le nom de l'un des deux arbitres, lequel, après avoir examiné les documens du procès, délibérera avec les juges susmentionnés, sur le cas existant, et la sentence finale sera prononcée conformément à l'opinion de la majorité des juges et de l'arbitre susmentionné.

Article IV. Dans les déclaration authentiques que le capteur sera tenu de faire pardevant la Cour, ainsi que dans le certificat des papiers saisis, qui sera délivré au capitaine du navire capturé, lors de sa détention, le susdit capter sera tenu de déclarer son nom et celui de son vaisseau, aussi bien que la latitude et la longitude de l'endroit où la détention a eu lieu et le nombre des Esclaves trouvé à bord du navire capturé au moment de sa détention.

Article V. Aussitôt après que la sentence aura été prononcée, le navire détenu, s'il est libéré, et sa cargaison dans l'état où elle se trouvera alors, seront restitués au patron, ou à celui qui le représente, lequel pourra réclamer pardevant la même Cour, une évaluation des dommages qu'il pourrait avoir droit de demander: le capteur lui-même, et à son défaut, son Gouvernement restera responsable des dits dommages.

Les deux Hautes Parties Contractantes s'obligent à payer dans l'espace d'une année après la date de la sentence, les frais et dommages qui pourront être accordés par la Cour susnommée; il est entendu que ces frais et dommages tomberont à la charge de la Puissance dont le capteur sera sujet.

Article VI. En cas de condamnation d'un navire, il sera déclaré prise légitime, aussi bien que sa charge, de quelque description qu'elle puisse être, à l'exception des Esclaves qui pourront être à bord comme objets de commerce; et le dit navire, aussi bien que sa charge, sera vendu en vente publique au profit des deux Gouvernemens; et quant aux Esclaves, ils recevront de la Cour Mixte un certificat d'émancipation, et seront remis au Gouvernement sur le territoire du quel la Cour qui aura jugé sera établie, aux fins d'être employés comme domestiques ou travailleurs libres.

Chacun des deux Gouvernemens s'oblige à la garantie de la liberté de telle portion de ces individus qui viendra à y être respectivement consignée.

Article VII. Les Cours Mixtes connaîtront et jugeront également et en la forme voulue par l'Article III du présent Réglement de tout réclamation pour compensation de pertes occasionnées à des navires détenus sur soupçon de faire le Commerce de Esclaves, mais non condamnés comme prises légales par les dites Cours. Dans tous les cas où la restitution aura été prononcée, les Cours adjugeront au profit du ou des réclamans ou leurs ayant-cause légaux, une indemnisation juste et complette des tout les frais de procedure et de toutes les pertes et dommages que le ou les réclamans pourraient avoir éprouvés par telle capture et détention: les Cours observeront,—

1°. Qu'en cas de perte totale le où les réclamans seront indemnisés,—

a. Pour le navire, ses agrets, apparaux, et munitions.

b. Pour tout frêt dû et à payer.

c. Pour la valeur de la cargaison et des marchandises, s'il y en a, déduction faite des charges et dépenses payables pour la vente de pareilles cargaisons, y compris la commission de vente.

d. Pour toutes autres charges usitées en cas de perte totale; et

2°. Que dans tous les autres cas de perte, non totale, ; ou les réclamans seront indemnisés,—

a. De tout dommage et dépens particuliers, occasionnés u navire par la perte de frêt dû ou à payer.

b. Pour starie l'indemnisation dûe de ce chef sera ré-lée d'après la cédule annexée au présent Article.

c. De toute détérioration de la cargaison.

d. Il leur sera alloué également cinq pour cent du ıontant du capital employé à l'achat de la cargaison pour ut le tems du délai occasionné par la détention; et

e. Un dédommagement pour toute prime d'assurance ır les risques additionnels.

Dans tous les cas le ou les réclamans auront de plus roit aux intérêts sur le pied de cinq pour cent par an, de somme adjugée, jusqu'à son paiement par le Gouverne-ıent au quel le vaisseau capteur appartient; le montant ıtier de cette indemnisation sera calculé en monnaie du ays au quel le navire capturé appartient, à liquider 'après le cours du change à l'époque de l'adjugement.

Les deux Hautes Parties Contractantes désirant toute-ois éviter autant que possible, tout espèce de fraude dans xécution du Traité de ce jour, sont convenues, que s'il enait à être prouvé d'une manière évidente et à la convic-on des juges des deux nations, et sans avoir recours à la écision d'un arbitre, que le capteur a été induit en erreur ır une faute volontaire et répréhensible de la part du pitaine du navire capturé; en ce cas seulement, le dit ıvire n'aura pas droit à recevoir pendant la durée des urs de sa détention, la starie stipulée par le présent rticle.

Cédule de Starie ou Jour de Planche pour un Navire de

100	tonneaux	jusqu'à	120	inclusivement,	£5	par jour.
121	. . do.	. .	150	do.	6	
151	. . do.	. .	170	do.	8	
171	. . do.	. .	200	do.	10	
201	. . do.	. .	220	do.	11	
221	. . do.	. .	250	do.	12	
251	. . do.	. .	270	do.	14	
271	. . do.	. .	300	do.	15	

et ainsi de suite en proportion.

Article VIII. Il ne sera licite, ni aux juges, ni aux arbitres, ni au secrétaire des Cours Mixtes de demander ou de recevoir d'aucune des parties concernées dans les sentences qu'ils prononceront, aucun émolument, sous quelque prétexte que ce puisse être, pour l'accomplissement des devoirs qui leur sont imposés par le présent Réglement.

Article IX. Les deux Hautes Parties Contractantes sont convenues qu'en cas de décès ou d'empêchement légal, d'un ou de plusieurs des juges ou des arbitres composant les Cours Mixtes susmentionnées, leur postes seront remplis, *ad interim*, de la manière suivante:—

Dans la Cour qui siègera dans les possessions de Sa Majesté le Roi des Pays Bas les places vacantes qui dépendent de Sa dite Majesté, seront desservies successivement par le gouverneur ou vice-gouverneur, par le principal magistrat et secrétaire d'icelles.

Quant à la Cour séant dans les possessions de Sa Majesté Britannique sur la côte d'Afrique, il est convenu qu'en cas de décès ou empêchement légal du juge ou arbitre des Pays Bas en cet endroit, les individus survivans de la Cour procéderont au jugement des navires qui pourraient être traduits par devant eux et à la mise à exécution de leur sentence.

Les places vacantes de la Cour qui sera établie sur la côte d'Afrique, et qui dépendent de Sa Majesté Britannique, seront desservies par le gouverneur ou vice-gouverneur, par le magistrat principal et le secrétaire du Gouvernement; en cas de décès ou d'empêchement légal d'un juge ou arbitre Britannique appartenant à la Cour établie dans une colonie des Pays Bas, les individus survivans se régleront d'après ce qui a été déterminé ci-dessus pour la Cour séant dans les possessions de Sa Majesté Britannique, en cas de décès ou empêchement légal d'un juge ou arbitre des Pays Bas.

Les Hautes Parties Contractantes sont convenues également que le gouverneur ou vice-gouverneur des colonies où se tiendront les séances des Cours Mixtes, en cas de vacature d'une place de juge ou arbitre de l'autre Haute Partie Contractante, préviendra sans délai le Gouverneur ou vice-gouverneur de la colonie la plus voisine, appartenant à la dite Haute Partie Contractante, afin que

l'on puisse y suppléer au plus tôt; et chacune des Puissances Contractantes s'engage à remplir définitivement aussitôt que possible les vacatures qui pourraient subvenir dans les Cours, soit par décès ou par autres causes quelconques.

Articles explanatory of, and additional to, the Treaty concluded at The Hague, May 4, 1818, *between His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, for the prevention of the Traffic in Slaves.—Signed at Bruxelles, December* 31, 1822.

His Majesty the King of the United Kingdom of Ireland, and His Majesty the King of the Netherlands, having thought fit to agree upon the following arrangements, additional to, and explanatory of, the Treaty concluded between their aforesaid Majesties at The Hague, on the 4th of May, 1818, for the prevention of the Trade in Slaves, have therefore named as Plenipotentiaries, *ad hoc*:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard Earl of Clancarty, Viscount Dunlo, Baron Kilconnel, Baron Trench of Garbally in the United Kingdom of Great Britain and Ireland, one of His Majesty's Most Honourable Privy Council in Great Britain and also in Ireland, Member of the Committee of the first for the Affairs of Commerce and Colonies, Colonel of the Regiment of Militia of the County of Galway, Vice-Admiral of the Province of Connaught, Knight Grand Cross of the Most Honourable Order of the Bath, and of the Royal Hanoverian Guelphic Order, Ambassador Extraordinary and Plenipotentiary of His said Majesty to His Majesty the King of the Netherlands, Grand Duke of Luxembourg; and His Majesty the King of the Netherlands, Anne William Charles, Baron de Nagell d'Ampsen, Member of the Body of Nobles of the Province of Guelderland, Knight Grand Cross of the Order of the Belgic Lion, and of that of Charles the Third, of the Legion of Honour, and of the Royal Hanoverian

Guelphic Order, Chamberlain, and Minister of State holding the Department of Foreign Affairs: who, having exchanged their full powers, found in good and due form, have agreed on the following explanatory and additional Articles:—

Article I. Whereas it is stated in Article I of "Instructions intended for the British and Dutch ships of war employed to prevent the illicit Traffic in Slaves," that "ships on board of which no Slaves shall be found intended for purposes of traffic, shall not be detained on any account or pretence whatever:" And whereas it has been found by experience, that vessels employed in the illegal traffic, have unshipped their Slaves immediately prior to their being visited by the ships of war, and that such vessels have thus found means to evade forfeiture, and have been enabled to pursue their unlawful course with impunity, contrary to the true object and spirit of the Treaty above mentioned:—

The High Contracting Parties therefore feel it necessary to declare, and it is hereby declared by them, that, if there shall be clear and undeniable proof, that a Slave or Slaves has or have been put on board a vessel for the purpose of illegal traffic, in the particular voyage on which the vessel shall be captured, then, and on that account, according to the true intent and meaning of the stipulations of the Treaty, such vessel shall be detained by the cruizers, and finally condemned by the commissioners.

Article II. The High Contracting Parties hereby agree, that in the event of the absence, on account of illness, or of any other unavoidable cause, of one or more of the commissioners, judges, and arbitrators under the above-mentioned Treaty, or in the case of their absence in consequence of leave from their Government, duly notified to the Board of Commission sitting under the said Treaty, their posts shall be supplied in the same manner in which, by the Article IX of the Regulations for the Mixed Commissions, those vacancies in the Commission are to be supplied, which may occur by the death of one or more of the commissioners aforesaid.

The Explanatory and Additional Articles above mentioned shall be submitted to the ratification of the respec-

tive Sovereigns, and shall have the same force and effect as if they were inserted, word for word, in the Treaty of the 4th of May, 1818, above mentioned, and shall be held to form part of the same.

The acts of ratification shall be exchanged within the space of one month from this date, or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed the present Act, and thereunto affixed the seal of their arms.

Done at Bruxelles, this thirty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two.

(L.S.) CLANCARTY.
(L.S.) A. W. C. DE NAGELL.

Further Additional Article to the before-mentioned Treaty.—Signed at Bruxelles, January 25, 1823.

HIS Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, having thought fit to agree upon the following further arrangement, additional to the Treaty concluded between their aforesaid Majesties at The Hague, on the 4th of May, 1818, for the prevention of the Trade in Slaves, and also in addition to the two Explanatory and Additional Articles, executed by the Plenipotentiaries of their said Majesties, on the 31st of December, 1822, have named, authorized, and directed the same Plenipotentiaries to sign, in their names, an agreement *ad hoc*:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard Earl of Clancarty, Viscount Dunlo, Baron Kilconnel, Baron Trench of Garbally in the United Kingdom of Great Britain and Ireland, one of His Majesty's Most Honourable Privy Council in Great Britain, and also in Ireland, Member of the Committee of the first for the Affairs of Commerce and Colonies, Colonel of the Regiment of Militia of the County of Galway, Vice-Admiral of the Province of Connaught, Knight Grand Cross of the Most

Honourable Order of the Bath, and of the Royal Hanoverian Guelphic Order, Ambassador Extraordinary and Plenipotentiary of His said Majesty to His Majesty the King of the Netherlands, Grand Duke of Luxembourg; and His Majesty the King of the Netherlands, Anne William Charles, Baron de Nagell d'Ampsen, Member of the Body of Nobles of the Province of Guelderland, Knight Grand Cross of the Order of the Belgic Lion, and of that of Charles the Third, of the Legion of Honour, and of the Royal Hanoverian Guelphic Order, Chamberlain, and Minister of State holding the Department of Foreign Affairs: who, having exchanged their full powers, found in good and due form, have agreed upon the following Additional Article:

ADDITIONAL ARTICLE.

And it is hereby further agreed, that upon proof being duly given before the Mixed Court, whereupon it shall appear that any ship or vessel, subject to examination under the Treaty, or under the Explanatory or Additional Articles, and detained hovering or sailing upon the coast of Africa, within one geographic degree to the westward thereof, and between the twentieth degree of latitude north of the equinoctial line, and the twentieth degree of latitude to the southward thereof, or at anchor within any of the rivers, bays, or creeks of the said coast, within the limits above particularly specified, or at anchor in any part within the said limits, and which ship or vessel, in her outfit and equipment, shall fall within one or more of the following designation, namely:

1. Having her hatches fitted with open gratings, instead of being close hatches, as usual in merchant vessels.

2. Having more divisions or bulk-heads in the hold or on deck, than necessary for trading vessels.

3. Having on board spare plank, either actually fitted in that shape, or fit for readily laying a second or moveable deck, or Slave-deck.

4. Having on board shackles, bolts, or handcuffs.

5. Having on board an unreasonable quantity of water in casks or in tanks, more than sufficient for the consumption of her crew as a merchant vessel.

6. Having on board an unreasonable number of water-

casks or other vessels for holding water, unless the master shall produce a certificate from the custom-house from the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel, that such extra quantity of casks or other vessels should only be used for the reception of palm oil.

7. Having on board a greater quantity of mess-tubs or kids than requisite for the use of her crew, as a merchant vessel.

8. Having on board two or more copper boilers, or even one of an unreasonable size, larger than requisite for the use of her crew as a merchant vessel.

9. Having on board an unreasonable quantity of rice or farinha (flour of the manioc of Brazil, or of cassada), or maize, or Indian corn, beyond any probable requisite provision for the use of her crew, and such rice, flour, maize, or Indian corn, not being entered on the manifest, as part of the cargo for trade.

The proof of these, or of any one or more of these several indications, shall be considered as *primâ facie* evidence of her actual employment in the Slave Trade, and unless rebutted by satisfactory evidence upon the part of the master or owners, that such ship or vessel was otherwise legally employed at the time of detention or capture, the ship or vessel shall thereupon be condemned and declared lawful prize.

The aforesaid Additional Article shall be submitted to the ratification of the respective Sovereigns, and shall have the same force and effect as if it were inserted, word for word, in the Treaty of the 4th of May, 1818, above mentioned, and shall be held to form part of the same.

The acts of ratification shall be exchanged within the space of one month from this date, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed the present Act, and thereunto affixed the seal of their arms.

Done at Bruxelles, the twenty-fifth day of January, in the year of our Lord one thousand eight hundred and twenty-three.

(L.S.) CLANCARTY.
(L.S.) A. W. C. DE NAGELL.

Additional Article to the Treaty concluded at The Hague, May 4, 1818, *between Great Britain and the Netherlands, for the prevention of the Traffic in Slaves.— Signed at The Hague, February* 7, 1837.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, having deemed it expedient to enter into a further additional arrangement to the Treaty concluded between their said Majesties at The Hague, on the fourth of May, one thousand eight hundred and eighteen, for the suppression of the Slave Trade, as well as to the Additional and Explanatory Articles concluded between their said Majesties, on the thirty-first of December, one thousand eight hundred and twenty-two, and on the twenty-fifth of January, one thousand eight hundred and twenty-three; have named, authorized, and appointed as their Plenipotentiaries, *ad hoc*, namely:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, Sir Edward Cromwell Disbrowe, Knight Grand Cross of the Royal Hanoverian Guelphic Order, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Netherlands, Grand Duke of Luxembourg; and His Majesty the King of the Netherlands, John Gisbert Baron Verstolk de Soelen, Member of the Body of Nobles of the Province of Holland, Knight Grand Cross of the Orders of the Netherland Lion, and of Saint Stephen of Hungary, his Minister of State holding the Department of Foreign Affairs: who, after having exchanged their full powers, found in good and due form, have agreed to the following Additional Article:—

ADDITIONAL ARTICLE.

Whereas by the Seventh Article of the Treaty for the suppression of the Slave Trade, between their Majesties the King of the United Kingdom of Great Britain and Ireland, and the King of the Netherlands, signed at The Hague, on the fourth of May, one thousand eight hundred and eighteen, Regulations for Mixed Courts of Justice are established: and whereas, by the Sixth Article of those Regulations, it is stipulated, amongst other things, "that in case of the

condemnation of a vessel, she shall be declared lawful prize, as well as her cargo, of whatever description it may be, with the exception of the Slaves who may be on board as objects of commerce; and the said vessel, as well as her cargo, shall be sold by public sale for the profit of the two Governments;" it is agreed by the present Separate and Additional Article, that the words "and the said vessel, as well as her cargo, shall be sold by public sale for the profit of the two Governments," shall be annulled, and in lieu thereof the following stipulation inserted, which shall, in consequence, make an integral part of the Sixth Article of the above-mentioned Regulations, and of the Treaty of the fourth of May, one thousand eight hundred and eighteen, namely: "*and the said vessel shall be entirely demolished, and the materials thereof publicly sold in separate parts, as well as her cargo, for the profit of the two Governments.*"

The present Additional Article shall be submitted to the ratification of the respective Sovereigns, and shall have the same force and effect as if it had been inserted, word for word, in the before-mentioned Treaty of the fourth of May, one thousand eight hundred and eighteen, and in the Regulations thereunto annexed.

The ratifications shall be exchanged within one month from the signature of the present Article, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed the present Additional Article, and thereto affixed the seal of their arms.

Done at The Hague, this seventh day of February, in the year of our Lord one thousand eight hundred and thirty-seven.

EDWARD CROMWELL DISBROWE. (L.S.)
VERSTOLK DE SOELEN. (L.S.)

SA Majesté le Roi des Pays-Bas, et Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, ayant trouvé bon de convenir d'un arrangement ultérieur additionel au Traité conclu entre leurs dites Majestés à La Haye, le quatre Mai, mil huit cent dix-huit, pour la répres-

sion du Trafic des Esclaves, ainsi qu'aux Articles Additionels et Explicatifs conclus entre leurs dites Majestés le trente-et-un Décembre, mil huit cent vingt-deux, et le vingt-cinq Janvier, mil huit cent vingt-trois; ont nommé, autorisé, et commis leurs Plénipotentiaires *ad hoc*, savoir:

Sa Majesté le Roi des Pays-Bas, le Sieur Jean Gisbert Baron Verstolk de Soelen, Membre du Corps Equestre de la Province de Hollande, Chevalier Grand-Croix des Ordres du Lion Néerlandais et de St. Etienne de Hongrie, son Ministre d'Etat ayant le Département des Affaires Etrangères; et Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, Sir Edward Cromwell Disbrowe, Chevalier Grand-Croix de l'Ordre Royal Hanovrien des Guelphes, son Envoyé Extraordinaire et Ministre Plénipotentiaire auprès de Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg: lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de l'Article Additionnel suivant:—

ARTICLE ADDITIONNEL.

Attendu que par le Septième Article du Traité pour la répression du Trafic des Esclaves, entre leurs Majestés le Roi des Pays-Bas, et le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, signé à La Haye, le quatre Mai, mil huit cent dix-huit, il est établi un Réglement pour des Cours de Justice Mixtes: et attendu que par le Sixième Article de ce Réglement il a été stipulé entre autre, "qu'en cas de condamnation d'un navire, il sera déclaré prise légitime, aussi bien que sa charge, de quelque description qu'elle puisse être, à l'exception des Esclaves qui pourront être à bord comme objets de commerce; et le dit navire, aussi bien que sa charge, sera vendu en vente publique au profit des deux Gouvernemens;" il est convenu par le présent Article Séparé Additionnel, que les mots "et le dit navire, aussi bien que sa charge, sera vendu en vente publique au profit des deux Gouvernemens," seront annullés, et remplacés par la stipulation suivante, laquelle fera, en conséquence, partie intégrante de l'Article Six du Réglement précité, et du Traité du quatre Mai, mil huit cent dix-huit, savoir: "*et le dit navire sera entièrement démoli, et les matériaux qui en proviendront seront vendus*

séparément, ainsi que sa charge, en vente publique, au profit des deux Gouvernemens."

Le présent Article Additionnel sera soumis à la ratification des Souverains respectifs, et aura la même force et effet que s'il se trouvait mot à mot inséré dans le Traité ci-dessus mentionné du quatre Mai, mil huit cent dix-huit, et dans le Réglement y annexé.

Les actes de ratification seront échangés dans l'espace d'un mois après la signature du présent Article, ou plus tôt, si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Article Additionnel, et y ont apposé le cachet de leurs armes.

Fait à La Haye, le septième Février, de l'an de Grâce mil huit cent trente-sept.

EDWARD CROMWELL DISBROWE. (L.S.)
VERSTOLK DE SOELEN. (L.S.)

PORTUGAL.

TREATY *between Her Majesty and the Queen of Portugal, for the suppression of the Traffic in Slaves.—Signed at Lisbon, July* 3, 1842.

[Ratifications exchanged at Lisbon, July 30, 1842.]

THEIR Majesties the Queen of the United Kingdom of Great Britain and Ireland, and the Queen of Portugal and the Algarves, being earnestly desirous of putting an immediate end to the barbarous and piratical practice of transporting the natives of Africa across the sea, for the purpose of consigning them to Slavery; and their said Majesties considering that this infamous practice was declared to be a highly penal crime by the law of Great Britain, in the year one thousand eight hundred and seven, and has likewise been prohibited, under severe penalties, by the law of Portugal, in December one thousand eight hundred and thirty-six; and their said Majesties being of opinion, that in order

*

the more completely to prevent for the future the perpetration of this crime, and to render more effectual the operation of the laws enacted in each country for its punishment, it will be expedient to establish regulations of maritime police, and to constitute colonial Commissions, to which regulations and Commissions vessels navigating under the flag of either Party, and not belonging to one or the other of the royal navies, shall be amenable; their said Majesties have resolved to conclude a Treaty for this purpose, and have accordingly named as their Plenipotentiaries, that is to say: Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Charles Augustus, Lord Howard de Walden, a Peer of the United Kingdom of Great Britain and Ireland, Knight Grand Cross of the Most Illustrious Order of the Bath, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty at the Court of Her Most Faithful Majesty, &c., &c., &c.; and Her Majesty the Queen of Portugal and Algarves, Dom Pedro de Sousa Holstein, Duke of Palmella, President for life of the Chamber of Peers, Councillor of State, Grand Cross of the Order of Christ, and of the Tower and Sword, Captain of the Royal Guard of Archers, Knight of the Distinguished Order of the Golden Fleece, and Grand Cross of the Orders of Charles III. in Spain, of the Legion of Honour in France, of Saint Alexander Newsky in Russia, Knight of the Order of St. John of Jerusalem, Count of Sanfré in Piedmont, Minister and Honorary Secretary of State, &c., &c., &c.; who, having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon the following Articles:—

Article. I. The two High Contracting Parties mutually declare to each other, that the infamous and piratical practice of transporting the natives of Africa by sea, for the purpose of consigning them to Slavery, is, and shall for ever continue to be, a strictly prohibited and highly penal crime, in every part of their respective dominions, and for all the subjects of their respective crowns.

Article II. The two High Contracting Parties mutually consent that those ships of their royal navies respectively, which shall be provided with special Instructions as hereinafter mentioned, may visit and search such vessels of the

two nations as may, upon reasonable grounds, be suspected of being engaged in transporting Negroes for the purpose of consigning them to Slavery, or of having been fitted out for that purpose, or of having been so employed during the voyage in which they are met by the said cruizers; and the said High Contracting Parties also consent, that such cruizers may detain and send or carry away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon; and in order to fix the reciprocal right of search, in such a manner as shall be adapted to the attainment of the objects of this Treaty, and shall at the same time prevent doubts, disputes, and complaints; it is agreed that the said right of search shall be exercised in the manner and according to the rules following:—

First: It shall never be exercised except by vessels of war, authorized expressly for that purpose, according to the stipulations of this Treaty.

Second: In no case shall the right of search be exercised with respect to a vessel of the royal navy of either of the two Powers.

Third: Whenever a vessel is searched by a ship of war, the commander of such ship of war shall, immediately upon coming on board the vessel which is to be so searched, and before he begins the search, exhibit to the commander of the vessel which is to be searched, the document by which he is duly authorized to make the search; and he shall deliver to the said commander of the vessel which is to be searched, a certificate signed by himself, stating his rank in the naval service of his country, and the name of the ship of war which he commands; and this certificate shall also declare, that the only object of the search is to ascertain, whether the vessel to be searched is employed in transporting Negroes or others in order to consign them to Slavery, or is fitted up for such purpose. When the search is made by an officer of the cruizer, who is not the commander thereof, such officer shall proceed strictly in the same manner as if he were the commander, after having exhibited to the captain of the vessel to be searched, a copy of the above-mentioned document, signed by the commander of the cruizer; and he shall, in like manner, deliver a certificate, signed by himself, stating his rank in

the royal navy, the name of the commander by whose orders he proceeds to make the search, that of the cruizer in which he sails, and the object of the search, as has been already laid down. If it appears from the search that the papers of the vessel are in regular order, and that the vessel is employed for lawful purposes, the officer shall enter in the log-book of the vessel, that the search has been made in pursuance of the aforesaid special orders; and the vessel shall be left at liberty to pursue her voyage.

Fourth: The rank of the officer who makes the search must not be lower than that of lieutenant of the royal navy, unless he be the officer who shall at the time be second in command of the searching vessel; or unless the command shall, by reason of death or otherwise, be held by an officer of inferior rank.

Fifth: The reciprocal right of search and detention shall not be exercised within the Mediterranean Sea, nor within the seas in Europe, which lie without the Straits of Gibraltar, and to the northward of the thirty-seventh parallel of north latitude, and within and to the eastward of the meridian of longitude twenty degrees west of Greenwich.

Article III. In order to regulate the mode of carrying the provisions of the preceding Article into execution, it is agreed:—

First: That all ships of the royal navies of the two nations, which shall be hereafter employed to prevent the transport of Negroes or others for the purpose of consigning them to Slavery, shall be furnished by their respective Governments with a copy, in the English and Portuguese languages, of the present Treaty; of the Instructions A, for cruizers, annexed thereto; and of the Regulations B, for the Mixed Commissions, annexed thereto; which Annexes, respectively, shall be considered as an integral part of the Treaty.

Second: That each of the High Contracting Parties shall, from time to time, and as often as any changes are made in the ships of war employed in this service, communicate to the other the names of the several ships furnished with such Instructions; the force of each, and the names of their several commanders, and of the officers second in command.

Third: That if at any time there shall be just cause to suspect, that any vessel sailing under the flag of either nation, and proceeding under the convoy of any ship or ships of war of either of the Contracting Parties, is engaged, or is intended to be engaged, in the transport of Negroes or others for the purpose of consigning them to Slavery; or is fitted out for that purpose; or has, during the voyage in which she has been met with, been so employed; it shall be the duty of any commander of any ship of the royal navy of either of the two High Contracting Parties, furnished with such Instructions as aforesaid, to communicate in writing his suspicions to the commander of the convoy; and the said commander of the convoy shall give an acknowledgment in writing of the said communication; and the said commander of the convoy, accompanied by the commander of the cruizer, shall proceed to search the suspected vessel. If the suspicions shall prove to be well founded, according to the tenor of this Treaty, then the said vessel shall be conducted or sent by the commander of the convoy to one of the points where the Mixed Commissions are stationed, in order that the vessel may undergo the sentence applicable to her case.

Fourth: It shall not be lawful to visit or detain, under any pretext or motive whatever, any merchant vessel when at anchor in any port or roadstead belonging to either of the two High Contracting Parties, or within cannon shot of the batteries on shore, unless on a written demand for co-operation on the part of the authorities of such country; but should any suspected vessel be met with in such port or roadstead, due representation of the same is to be made to the authorities of the country, requesting them to take the necessary measures to prevent the violation of the stipulations of this Treaty; and the said authorities shall proceed to take effectual measures accordingly.

Article IV. As the two preceding Articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects may incur by any arbitrary and illegal detention of their vessels; it being understood, that this compensation shall be made by the Government whose cruizer shall have been guilty of such arbitrary and illegal detention. The com-

pensation for damages, of which this Article treats, shall be made within the term of one year, reckoned from the day on which the Mixed Commission pronounces sentence on the vessel, for the detention of which such compensation is claimed.

Article V. It is however distinctly understood between the two High Contracting Parties, that no stipulation of the present Treaty shall be interpreted as interfering with the right of Portuguese subjects to be accompanied, in voyages to and from the Portuguese possessions off the coast of Africa, by Slaves who are *bonâ fide* household servants, and who may be duly named and described as such in passports, wherewith the vessel must be furnished, from the highest civil authority at the place where such Slaves shall have embarked: Provided,—

First: That in such voyages, no Portuguese subject, except he be a Portuguese settler, removing definitively from his residence in a Portuguese possession on the coast of Africa, shall be accompanied by more than two Slaves, being *bonâ fide* household servants.

Secondly: That such a settler removing definitively, with his family, from his residence in a Portuguese possession on the coast of Africa, shall not be accompanied by more than ten Slaves, and that all these Slaves shall be *bonâ fide* his household servants.

Thirdly: That such household Slaves shall be found at large and unconfined in the vessel; and clothed like Europeans in similar circumstances.

Fourthly: That no other Slaves shall be embarked on board of the vessel in which the said household servants shall be found; and that the voyage, on which such settler and his family shall be so accompanied by such household Slaves, shall be a direct voyage to the Portuguese islands of Cape Verd, Princes, or St. Thomas, from some place in the Portuguese possessions on the coast of Africa, where the said settler shall have been permanently residing.

Fifthly: That the passports above mentioned shall enumerate each of the persons on board the vessel, and shall state their names, sex, ages, and occupation, their last place of residence, and the place to which they are going.

Sixthly: That there be nothing in the equipment or character of the vessel in which such household Slaves may be found, which shall justify its detention under the provisions of this Treaty.

But if the equipment or character of the vessel shall justify the detention of the vessel under the stipulations of the present Treaty; or if any of the regulations specified in this Article shall be unobserved or violated, in respect to such vessel, then her master, and her crew, and the owner or owners of the vessel, of the cargo, or of the Slaves, shall be liable to be proceeded against as accomplices in an infraction of the present Treaty, and to be punished accordingly; and the vessel and cargo shall be adjudged and condemned, and the Slaves shall be liberated.

Article VI. In order to bring to adjudication, with as little delay and inconvenience as possible, the vessels which may be detained according to the tenor of Article II of this Treaty, there shall be established, as soon may be practicable, two or more Mixed Commissions, formed of an equal number of individuals of the two nations, and named for this purpose by their respective Sovereigns.

Of these Commissions one half shall reside in possessions belonging to Her Britannic Majesty, the other half within the territories of Her Most Faithful Majesty; and the two Governments, at the period of exchanging the ratifications of the present Treaty, shall declare, each for its own dominions, in what places the Commissions shall respectively reside. Each of the two High Contracting Parties reserves to itself the right of changing, at its pleasure, the place of residence of the Commissions held within its own dominions; provided always, that two at least of the said Commissions shall always be held either on the coast of Africa, or in one of the islands off that coast.

These Commissions shall judge the causes submitted to them according to the provisions of the present Treaty, without appeal, and according to the Regulations and Instructions which are annexed to the present Treaty, and which are considered as forming an integral part thereof.

Article VII. The Mixed Commission at present established and sitting under the Convention between Great Britain and Portugal of the 28th of July, 1817, shall con-

tinue to exercise its functions, and shall, from and after the end of six months after the exchange of the ratifications of this Treaty, and until the appointment and definitive establishment of the Mixed Commissions under the present Treaty, adjudge without appeal, according to the principles and stipulations of the present Treaty, and of the Annexes thereof, the cases of such vessels as may be sent or brought before it; and any vacancies which may occur in such Mixed Commission, shall be filled up in the same manner in which vacancies in the Mixed Commissions to be established under the provisions of this Treaty are to be supplied.

Article VIII. If the commanding officer of any of the ships of the royal navies of Great Britain and Portugal respectively, duly commissioned according to the provisions of Article II of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby, shall be entitled to demand reparation; and, in such case, the Government to which such commanding officer may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may have committed.

Article IX. Any vessel, British or Portuguese, which shall be visited by virtue of the present Treaty, may lawfully be detained, and may be sent or brought before one of the Mixed Commissions established in pursuance of the provisions thereof, if any of the things hereinafter mentioned shall be found in her outfit or equipment, or shall be proved to have been on board during the voyage in which the vessel was proceeding when captured, namely:

First: Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

Secondly: Divisions or bulk-heads, in the hold or on deck, in greater number than are necessary for vessels engaged in lawful trade.

Thirdly: Spare plank fitted for being laid down as a second or slave-deck.

Fourthly: Shackles, bolts, or handcuffs.

Fifthly: A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of the vessel, as a merchant vessel.

Sixthly: An extraordinary number of water casks, or of other vessels for holding liquid, unless the master shall produce a certificate from the custom-house at the place from which he cleared outwards, stating that sufficient security had been given by the owners of such vessel, that such extra quantity of casks, or of other vessels, should only be used for the reception of palm oil, or for other purposes of lawful commerce.

Seventhly: A greater quantity of mess tubs or kids, than are requisite for the use of the crew of the vessel, as a merchant vessel.

Eighthly: A boiler, or other cooking apparatus, of an unusual size, and larger, or fitted for being made larger, than requisite for the use of the crew of the vessel, as a merchant vessel; or more than one boiler, or other cooking apparatus, of the ordinary size.

Ninthly: An extraordinary quantity of rice, of the flour of Brazil manioc, or cassada, commonly called farinha, of maize, or of Indian corn, or of any other article of food whatever, beyond what might probably be requisite for the use of the crew; such rice, flour, maize, Indian corn, or other article of food, not being entered on the manifest, as part of the cargo for trade.

Tenthly: A quantity of mats or matting, larger than is necessary for the use of the crew of the vessel, as a merchant vessel.

Any one or more of these several things, if proved to have been found on board, or to have been on board during the voyage on which the vessel was proceeding when captured, shall be considered as *primâ facie* evidence of the actual employment of the vessel in the transport of Negroes or others for the purpose of consigning them to Slavery; and the vessel shall thereupon be condemned, and shall be declared lawful prize, unless clear and incontestably satisfactory evidence, on the part of the master or owners, shall establish to the satisfaction of the Court, that such vessel was, at the time of her detention or capture, employed on some legal pursuit, and that such of the several things above enumerated, as were found on board of her at the

time of her detention, or had been on board of her on the voyage on which she was proceeding when captured, were needed for legal purposes on that particular voyage.

Article X. If any of the things specified in the preceding Article shall be found in any vessel which is detained under the stipulations of this Treaty, or shall be proved to have been on board the vessel during the voyage on which the vessel was proceeding when captured, no compensation for losses, damages, or expenses, consequent upon the detention of such vessel, shall in any case be granted, either to her master or to her owner, or to any other person interested in her equipment or lading, even though the Mixed Commission should not pronounce any sentence of condemnation in consequence of her detention.

Article XI. In all cases in which a vessel shall be detained, under this Treaty, by the respective cruizers of the Contracting Parties, as having been engaged in transporting Negroes or others for the purpose of consigning them to Slavery, or as having been fitted out for that purpose, and shall consequently be adjudged and condemned by the Mixed Commissions to be established as aforesaid, either of the two Governments may purchase the condemned vessel for the use of its royal navy, at a price to be fixed upon by a competent person, to be chosen by the Court of Mixed Commission for that purpose; but the Government whose cruizer shall have detained the condemned vessel shall have the first choice of purchasing her. But if the condemned vessel shall not be so purchased, the said vessel shall, immediately after condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

Article XII. When any vessel shall have been declared good prize by one of the Mixed Commissions, the captain, pilot, crew, and passengers found on board the said vessel, shall be immediately placed at the disposal of the Government of the country under whose flag the said vessel was navigating at the time of her capture, to be tried and punished according to the laws of that country. In the like manner, the owner of the vessel, the persons interested in the equipment and cargo, and their several agents, shall be tried and punished, unless they can prove that they took no part in that infraction of the

present Treaty, on account of which the vessel was condemned.

Article XIII. Each of the two High Contracting Parties most solemnly binds itself to guarantee the liberty of the Negroes who may be emancipated under the present Treaty, by the Mixed Commissions sitting within the colonies or possessions of such Government; and to afford from time to time, and whenever demanded by the other party, or by the members of the Mixed Commissions by whose sentence the Slaves shall have been liberated, the fullest information as to the state and condition of such Negroes, with a view of ensuring the due execution of the Treaty in this respect.

For this purpose, the Regulations C, annexed to this Treaty, as to the treatment of Negroes liberated by sentence of the Mixed Commissions, have been drawn up, and are declared to form an integral part of this Treaty; the two High Contracting Parties reserving to themselves the right to alter, by common consent and by mutual agreement, but not otherwise, the terms and tenour of such Regulations.

Article XIV. The Acts or Instruments annexed to this Treaty, and which, it is mutually agreed, shall form an integral part thereof, are as follows:—

A. Instructions for the ships of the royal navies of both nations, employed to prevent the transport of Negroes or others, for the purpose of consigning them to slavery.

B. Regulations for the Mixed Commissions.

C. Regulations as to the treatment of liberated Negroes.

Article XV. Her Majesty the Queen of Portugal and Algarves hereby declares the Slave Trade to be piracy, and that those of her subjects who shall, under any pretext whatever, take any part in the Traffic in Slaves, shall be subjected to the most severe secondary punishment.

Article XVI. The present Treaty shall be ratified, and the ratifications shall be exchanged at Lisbon, at the expiration of two months from the date of its signature, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed, in duplicate originals, English and Portuguese, the

present Treaty, and have thereunto affixed the seal of their arms.

Done at Lisbon, the third day of July, in the year of our Lord one thousand eight hundred and forty-two.

HOWARD DE WALDEN. (L.S.)

DUQUE DE PALMELLA. (L.S.)

Additional Article to the Treaty concluded between Great Britain and Portugal, for the abolition of Slave Trade, on the third day of July, in the year of our Lord one thousand eight hundred and forty-two.

As the object of this Treaty, and of the three Annexes which form part of it, is no other than that of preventing the Traffic in Slaves, without any annoyance to the respective merchant shipping of the two nations; and as this fraudulent traffic is carried on from the coast of Africa, where the Crown of Portugal has also extensive colonial possessions where legitimate commerce exists, and which it is important in the spirit of this Treaty to promote and protect,—the High Contracting Parties, animated by the same sentiments, agree that if in future it should appear necessary to either of them to adopt new measures, or alter any of the executive regulations for attaining the said beneficent object, or for obviating any unforeseen inconvenience to the aforesaid shipping or lawful commerce which experience shall have made known, in consequence of those established in this Treaty and its Annexes proving inefficacious or injurious,—the said High Contracting Parties engage to consult together for the more complete attainment of the object proposed.

The present Additional Article shall have the same force and effect, as if it were inserted, word for word, in the Treaty signed on this day; and it shall be ratified, and the ratifications shall be exchanged within the term of two months from the date of its signature, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed it, and have affixed thereto the seal of their arms.

Done at Lisbon, the third day of July, one thousand eight hundred and forty-two.

HOWARD DE WALDEN. (L.S.)

DUQUE DE PALMELLA. (L.S.)

ANNEX A *to the Treaty between Great Britain and Portugal, upon Slave Trade, of the 3rd day of July*, 1842.

Instructions for the ships of the British and Portuguese Royal Navies employed to prevent the Traffic in Slaves.

ARTICLE I. The commander of any ship belonging to the royal British or Portuguese navy, who shall be furnished with these Instructions, shall have a right to visit, search, and detain, except within the limits excepted in Article II of the Treaty, any British or Portuguese vessel which shall be actually engaged, or shall be suspected to be engaged, in transporting Negroes or others for the purpose of consigning them to Slavery, or to be fitted out with such view, or to have been so employed during the voyage on which she may be met with by such ship of the British or Portuguese navy; and such commander shall thereupon bring or send such vessel, as soon as possible, for judgment before that one of the Mixed Commissions established in virtue of Article VI of the said Treaty, which shall be the nearest to the place of detention, or which such commander shall upon his own responsibility, judge can be soonest reached from such place.

Article II. Whenever a ship of either of the royal navies, duly authorized as aforesaid, shall meet a vessel liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of lieutenant in the navies of Great Britain and Portugal, respectively, unless the command shall, by reason of death or otherwise, be held by an officer of inferior rank, or unless the officer who makes the search shall at the time be second in command of the ship by which such search is made.

Article III. The commander of any ship of the two

royal navies, duly authorized as aforesaid, who may detain any vessel in pursuance of the tenour of the present Instructions, shall at the time of detention, draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained vessel; which declaration shall be signed by himself, and shall be given in or sent, together with the captured vessel, to the Mixed Commission before which such vessel shall be carried or sent for adjudication. He shall deliver to the master of the detained vessel a signed certificate of the papers seized on board the same, as well as of the number of Slaves found on board at the moment of detention.

In the authenticated declaration which the captor is hereby required to make, as well as in the certificate of the papers seized, he shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have been made, and the number of Slaves found on board the vessel at the time of the detention.

When the commander of the cruizer shall not think proper to take upon himself to carry in and deliver up the detained vessel, he shall not entrust that duty to an officer below the rank of lieutenant in the navy, unless it be to the officer who at the time shall not be lower than third in command of the detaining ship.

The officer in charge of the vessel detained shall, at the time of bringing the vessel's papers before the Mixed Commission, deliver in to the Court a paper, signed by himself and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the Slaves, if any, and her cargo, between the period of her detention and the time of delivering in such papers.

Article IV. No part of the crew, or passengers, or of the cargo, or of the Slaves found on board the vessel seized, shall be withdrawn from it, until the said vessel shall have been delivered over to one of the Mixed Commissions; unless the transfer of the whole or part of the crew or passengers, or of the whole or part of the Slaves found on board, should be considered necessary, either to preserve their lives, or for any other humane consideration, or for the safety of the persons charged with the conduct of the

vessel after its seizure; in which case the commander of the cruizer, or the officer charged with the said seized vessel, shall draw out a certificate, in which he shall declare the reasons of the said transfer; and the commanders, sailors, or passengers thus transferred, shall be conducted to the same port as the vessel and its cargo.

The undersigned Plenipotentiaries have agreed, in conformity with Article XIV of the Treaty signed by them on this day, the third of July, 1842, that the preceding Instructions, consisting of four Articles, shall be annexed to the said Treaty, and shall be considered an integral part thereof.

The third day of July, one thousand eight hundred and forty-two.

HOWARD DE WALDEN. (L.S.)

DUQUE DE PALMELLA. (L.S.)

ANNEX B *to the Treaty between Great Britain and Portugal, upon Slave Trade, of the* 3rd *of July*, 1842.

Regulations for the Mixed Commissions which are to adjudge the cases of Vessels under the Treaty between Great Britain and Portugal, upon Slave Trade, of the third day of July, of one thousand eight hundred and forty-two.

ARTICLE I. The Mixed Commissions to be established under the provisions of the Treaty, of which these Regulations are declared to be an integral part, shall be composed n the following manner:

Each of the two High Contracting Parties shall name a commissioner and an arbitrator, who shall be authorized to hear and to decide, without appeal, all cases of the capture or detention of vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them. The commissioners and the arbitrators shall, before entering upon the duties of their office, respectively make oath before the principal magistrate of the places in which such Commissions respectively shall reside, that they will judge fairly and faithfully; that they will have no

preference, either for the claimants or the captors; and that they will act, in all their decisions, in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such Commissions a secretary or registrar, who shall be appointed by the Sovereign in whose territories such Commission shall reside. Such secretary or registrar shall register all the acts of such Commission, and shall, previously to entering upon his office, make oath before the Commission to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the secretary or registrar of the Commissions which are to be established in the dominions of Her Britannic Majesty, shall be paid by Her said Majesty; and that of the secretary or registrar of the Commissions which are to be established in the colonial possessions of Portugal, shall be paid by Her Most Faithful Majesty.

Each of the Governments shall defray half of the aggregate amount of the incidental expenses of such Commissions.

Article II. The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, Slaves, and cargo, and with the execution of the sentence; and all disbursements occasioned by bringing a vessel to adjudication; shall, in case of condemnation, be defrayed from the funds arising from the sale of the materials of the vessel, after the same shall have been broken up, of the vessel's stores, and of such part of the cargo as shall consist of merchandize; and in case the proceeds arising from this sale should not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor; excepting in the cases specified and otherwise provided for under Article X of the Treaty to which these Regulations form an Annex, and under Article VII of these Regulations.

Article III. The Mixed Commissions are to decide

upon the legality of the detention of such vessels as the cruizers of either nation shall, in pursuance of the said Treaty, detain.

These Commissions shall judge definitively, and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these Commissions shall take place with as little delay as possible; and, for this purpose, the Commissions are required to decide each case, as far as may be practicable, within the space of twenty days, to be counted from the day on which the detained vessel shall be brought into the port where the deciding Commission shall reside.

The final sentence shall not, in any case, be delayed beyond the period of two months, either on account of the absence of witnesses, or for any other cause; except upon the application of any of the parties interested; in which case, upon such party or parties giving satisfactory security, that they will take upon themselves the expense and risk of the delay, the Commission may, at their discretion, grant an additional delay not exceeding four months.

Either party shall be allowed to employ such counsel as he may think fit, to assist him in the conduct of his cause.

The proceedings of the said Mixed Commissions shall be open to the public; and all the essential parts of the proceedings of the said Commissions shall be written down in the language of the country in which the Commissions shall respectively reside.

Article IV. The form of the process shall be as follows:—

The commissioners appointed by the two Governments respectively, shall, in the first place, examine the papers of the detained vessel, and take the depositions of the master or commander, and two or three, at least, of the principal individuals on board of such vessel; as well as the declaration, on oath, of the captor, should such declaration appear necessary, in order to enable them to judge and pronounce whether the said vessel has been justly detained or not, according to the stipulations of the afore-

said Treaty; and in order that the vessel may be condemned or released accordingly.

In the event of the two commissioners not agreeing as to the sentence which they ought to pronounce in any case brought before them, either with respect to the legality of the detention, the liability of the vessel to condemnation, or the indemnification to be allowed, or as to any other question which may arise out of the said capture; or if any difference of opinion should arise between them as to the mode of proceeding in the said Commission,—they shall draw by lot the name of one of the two arbitrators so appointed as aforesaid; which arbitrator, after having considered the proceedings which have taken place, shall consult with the two above-mentioned commissioners; and the final sentence or decision shall be pronounced conformably to the opinion of the majority of the three.

Article V. If the detained vessel shall be restored by the sentence of the Commission, the vessel and her cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same Commission, claim to have a valuation made of the amount of the damages which he may have a right to demand. The captor himself, and in his default his Government, shall remain responsible for the damages to which the master of such vessel, or the owners of the vessel or of her cargo, may be pronounced to be entitled.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the above-mentioned Commission; it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject.

Article VI. If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be, with the exception of the Negroes or others who shall have been brought on board for the purpose of being consigned to Slavery; and the said vessel, in conformity with the regulations in Article XI of

the Treaty of this date, shall, as well as her cargo, be sold by public sale, for the profit of the two Governments, subject to the payment of the expenses hereinbefore mentioned.

The Slaves shall receive from the Commission a certificate of emancipation; and shall be delivered over to the Government to whom belongs the cruizer which made the capture, to be dealt with according to the Regulations and Conditions contained in the Annex to this Treaty, marked C.

The charges incurred for the support and for the return voyage of the commanders and crews of condemned vessels, shall be defrayed by the Government of which such commanders and crews are the subjects.

Article VII. The Mixed Commissions shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes, which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Commissions; and in all cases wherein restitution of such vessels and cargoes shall be decreed, save as mentioned in Article X of the Treaty to which these Regulations form an Annex, and in a subsequent part of these Regulations, the Commissions shall award to the claimant or claimants, or to his or their lawful attorney or attornies, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention, that is to say:

First. In case of total loss, the claimant or claimants shall be indemnified,—

a. For the ship, her tackle, equipment, and stores.

b. For all freights due and payable.

c. For the value of the cargo of merchandize, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.

d. For all other regular charges in such case of total loss.

Secondly. In all other cases, save as hereinafter mentioned, not of total loss, the claimant or claimants shall be indemnified,—

a. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable.

b. For demurrage, when due, according to the schedule annexed to the present Article.

c. For any deterioration of the cargo.

d. For all premium of insurance on additional risks.

The claimant or claimants shall be entitled to interest, at the rate of five per cent. per annum, on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs. The whole amount of such indemnification shall be calculated in the money of the country to which the detained vessel belongs, and shall be liquidated at the exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the commissioners of the two nations, and without having recourse to the decision of an arbitrator, that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel, in that case, shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present Article; nor any other compensation for losses, damages, or expenses, consequent upon such detention.

Schedule of demurrage or daily allowance for a vessel of

100	tons to	120	inclusive	£5	per diem.
121	. .	150	. .	6	
151	. .	170	. .	8	
171	. .	200	. .	10	
201	. .	220	. .	11	
221	. .	250	. .	12	
251	. .	270	. .	14	
271	. .	300	. .	15	

and so on in proportion.

Article VIII. Neither the commissioners, nor the arbitrators, nor the secretaries of the Commissions, shall demand or receive from any of the parties concerned in the cases which shall be brought before the Commissions, any emolument or gift, under any pretext whatsoever, for

the performance of the duties which such commissioners, arbitrators, or secretaries have to perform.

Article IX. When the parties interested shall imagine they have cause to complain of any evident injustice on the part of the Mixed Commissions, they may represent it to their respective Governments, who reserve to themselves the right of mutual correspondence for the prevention of such injustice for the future.

Article X. The two High Contracting Parties have agreed that, in the event of the death, sickness, absence on leave, or any other legal impediment, of one or more of the commisioners or arbitrators composing the above-mentioned Commissions respectively, the post of such commissioners or of such arbitrators shall be supplied, *ad interim*, in the following manner:—

Firstly. On the part of Her Britannic Majesty, and in those Commissions which shall sit within the possessions of Her said Majesty,—if the vacancy be that of the British commissioner, his place shall be filled by the British arbitrator; and either in that case, or if the vacancy be originally that of the British arbitrator, the place of such arbitrator shall be filled, successively, by the governor or lieutenant-governor resident in such possessions; by the principal magistrate of the same; and by the secretary of the Government: and the said Commissions, so constituted as above, shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

Secondly. On the part of Great Britain, and in those Commissions which shall sit within the possessions of Her Most Faithful Majesty,—if the vacancy be that of the British commissioner, his place shall be filled by the British arbitrator; and either in that case, or if the vacancy be originally that of the British arbitrator, his place shall be filled, successively, by the British Consul and British Vice-Consul, if there be a British Consul or British Vice-Consul appointed to, and resident in, such possessions: and if the vacancy be both of the British commissioner and of the British arbitrator, then the vacancy of the British commissioner shall be filled by the British Consul, and that of the British arbitrator by the British Vice-Con-

sul, if there be a British Consul and British Vice-Consul appointed to, and resident in such possessions; and if there shall be no British Consul or Vice-Consul to fill the place of British arbitrator, then the Portuguese arbitrator shall be called in, in those cases in which a British arbitrator, if there were any, would be called in; and if the vacancy be both of the British commissioner and the British arbitrator, and there be neither British Consul nor British Vice-Consul to fill, *ad interim*, the vacancies,—then the Portuguese commissioner and Portuguese arbitrator shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

Thirdly. On the part of Portugal, and in those Commissions which shall sit within the possessions of Her Most Faithful Majesty,—if the vacancy be that of the Portuguese commissioner, his place shall be filled by the Portuguese arbitrator; and either in that case, or if the vacancy be originally that of the Portuguese arbitrator, the place of such arbitrator shall be filled, successively, by the highest civil authority resident in such possessions; by the principal magistrate of the same; and by the secretary of the Government: and the said Commission, so constituted as above, shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

Fourthly. On the part of Portugal, and in those Commissions which shall sit within the possessions of Her Britannic Majesty,—if the vacancy be that of the Portuguese commissioner, his place shall be filled by the Portuguese arbitrator; and either in that case, or if the vacancy be originally that of the Portuguese arbitrator, his place shall be filled, successively, by the Portuguese Consul and Portuguese Vice-Consul, if there be a Portuguese Consul and Portuguese Vice-Consul appointed to, and resident in, such possession; and if the vacancy be both of the Portuguese commissioner and of the Portuguese arbitrator, then the vacancy of the commissioner shall be filled by the Portuguese Consul, and that of the Portuguese arbitrator by the Portuguese Vice-Consul, if there be a Portuguese Consul and a Portuguese Vice-Consul appointed to, and

resident in such possessions; and in the case in which there be no Portuguese Consul or Portuguese Vice-Consul to fill the place of Portuguese arbitrator, then the British arbitrator shall be called in, in those cases in which a Portuguese arbitrator, were there any, would be called in; and in case the vacancy be both of the Portuguese commissioner and Portuguese arbitrator, and there be neither Portuguese Consul nor Portuguese Vice-Consul to fill, *ad interim*, the vacancies,—then the British commissioner and arbitrator shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

The highest civil authority of the settlement wherein either of the Mixed Commissions shall sit, in the event of a vacancy arising either of the commissioner or the arbitrator of the other High Contracting Party, shall forthwith give notice of the same to the highest civil authority of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period: and each of the High Contracting Parties agrees to supply definitively, as soon as possible, the vacancies which may arise in the above-mentioned Commissions from death or from any other cause whatever.

Article XI. The Mixed Commissions shall transmit annually to each Government, a report, relating,—

1. To the cases which have been brought before them for adjudication.

2. To the state of the liberated Negroes.

3. To every information which they may be able to obtain respecting the treatment and progress made in the religious and mechanical education of the liberated Negroes; and such report shall, under the authority of the Government, be annually published in each country.

The undersigned Plenipotentiaries have agreed, in conformity with the XIVth Article of the Treaty signed by them on this day, the third of July, one thousand eight hundred and forty-two, that the preceding Regulations, consisting of eleven Articles, shall be annexed to the said Treaty, and considered as an integral part thereof.

The third day of July, one thousand eight hundred and forty-two.

HOWARD DE WALDEN. (L.S.)

DUQUE DE PALMELLA. (L.S.)

ANNEX C *to the Treaty between Great Britain and Portugal, upon Slave Trade, of the third day of July, one thousand eight hundred and forty-two.*

Regulations in respect of the treatment of liberated Negroes.

ARTICLE I. The object and purpose of the letter and spirit of these Regulations is to secure to Negroes and others, liberated in virtue of the stipulations of the Treaty to which these Regulations form an Annex, (marked C,) permanent good treatment, and full and complete emancipation, in conformity with the humane intentions of the High Contracting Parties.

Article II. Immediately after sentence of condemnation upon a vessel charged with being concerned in illegal Slave Trade, shall have been passed by the Mixed Commissions established under the Treaty to which these Regulations form an Annex, all Negroes or others who were on board of such vessel, and who were brought on board for the purpose of being consigned to Slavery, shall be delivered over to the Government to whom belongs the cruizer which made the capture.

Article III. The Negroes so liberated and delivered over to such Government, shall be placed under the care and superintendence of a Board consisting of two members or commissioners, with a power to call in a third member under the circumstances hereinafter stated.

In those colonies or possessions of Her Britannic Majesty, in which, under the Treaty to which these Regulations form an Annex, Mixed Commissions are to sit, the Boards of Superintendence of the liberated Negroes shall consist of the governors of the said colonies or possessions, and of the Portuguese commissioners in the said Mixed Commissions; and when the Portuguese commissioners

are absent, then the Portuguese arbitrators of the said Mixed Commissions shall sit, in the place of the commissioners, in the Boards of Superintendence of liberated Negroes.

In those colonies or possessions of Her Most Faithful Majesty in which, under the present Treaty, Mixed Commissions are to sit, the Boards of Superintendence of the liberated Negroes shall consist of the governors of those colonies or possessions, and of the British commissioners in the said Mixed Commissions; and when the British commissioners are absent, then the British arbitrators of the said Mixed Commissions shall sit, in the place of the commissioners, in the Boards of Superintendence of liberated Negroes.

The several members of the Boards of Superintendence shall, before entering upon their offices, respectively take an oath, in presence of the principal magistrate of the place, that they will faithfully execute their office without favour or partiality, according to the true intent and meaning of these Regulations.

Article IV. In order the better to carry into effect the purposes intended by the present Regulations, a person of known probity and humanity shall be selected and appointed by the Board of Superintendence, to act under its directions, with the title of Curator of liberated Negroes; and such curator may, under the sanction of the Board, employ such persons as may be necessary, to assist him in the execution of his duties.

The curator so appointed, shall, previously to his entering on the duties of his office, take before the Board of Superintendence an oath in the following words:—

I, A. B., do solemnly swear that I will act, to the best of my skill and knowledge, faithfully and impartially in the execution of my office; and that I will conduct myself with due respect to the authority of the Board of Superintendence of liberated Negroes to which I am attached.

So help me God.

Article V. The curator of the liberated Negroes shall be personally present at the delivery of the Negroes to the person charged by the Government to receive them, after

the sentence of emancipation is passed, as specified in Article II of these Regulations.

Duplicate original receipts for the Negroes delivered over to the Government, specifying the number of each sex, shall, at the time when they are delivered as aforesaid, be made out and signed by the officer receiving them.

One original of such receipts shall be given to the person previously in charge of the Negroes, the other shall be given to the curator, who shall deposit the same in the registry of the Mixed Commission which adjudicated the case of the vessel in which the Negroes were captured.

At the time of the delivery of such Negroes to the Government, in the manner hereinbefore mentioned, they shall be minutely inspected by the curator; who shall give to each Negro a name, which name shall then be entered by the curator, in a book to be called "Register of Emancipated Negroes," and to be kept for that purpose in the office of the Board of Superintendence; and opposite to the name shall be entered a description of the person, with the probable age, with the bodily marks, and with any particulars which can be ascertained regarding the family and nation of such Negro, together with the name of the vessel in which he was captured.

Each Negro shall then be marked on the upper part of the right arm with a small silver instrument, bearing for its device a symbol of freedom.

Article VI. The Board of Superintendence shall then make known by the public papers its intention to apprentice out the liberated Negroes; and after seven days have elapsed from the announcement of such intention, the hiring or apprenticing of the Negroes shall take place, either by public auction or by tender, as may be thought best; and the Negroes shall then be distributed to their hirers, upon the conditions and stipulations hereinafter mentioned; which conditions and stipulations shall be published at the time of auction or tender, and shall also be embodied in a contract or indenture, to be entered into formally between the hirer and the aforesaid Board. The contract or indenture shall be made out in duplicate; it shall be in print and not in writing; one copy of it shall

remain with the hirer, and the other with the Board, under the care of the curator.

When the sums offered by two or more different persons for the hiring of a Negro are equal, preference shall be given to the person who will undertake to employ such Negro as a mechanic or as a domestic servant.

Article VII. The period of service for which apprentices shall be bound, shall be seven years for all Negroes who, at the time of hiring, are above thirteen years of age; but three of the seven years may be afterwards remitted, at the discretion of the Board, upon the recommendation of the master, and upon proof that the apprentice is capable of earning an honest livelihood, and is worthy of such indulgence.

The apprenticeship of Negroes who, at the time of hiring, are under thirteen years of age, shall continue till the age of twenty, subject to a diminution of that term, at the discretion of the Board, upon due proof being given that the apprentice is worthy of such indulgence, and is capable of maintaining himself.

Article VIII. When more apprentices than one are confided to the same master, care shall be taken to select for that purpose such as are of the same African nation, and, if possible, of the same family; and in no case shall a child under fourteen years of age be separated from its mother; but such child shall always be apprenticed to the same master with its mother.

Article IX. The name and address of the master, together with the name and position of the estate or house where the liberated Negro is to be resident, shall be inserted opposite to the name of the Negro in his contract or indenture.

Article X. No Negro shall be apprenticed to any master who resides more than twenty English miles from the town where the Mixed Commission, by which he was liberated, is established; and if any master, to whom such Negro shall have been so apprenticed, shall afterwards change his residence, he shall be required to give immediate notice thereof to the curator.

The apprentices must always reside at that particular estate or house of the master, which is registered as being

within the above-mentioned distance from the place of sitting of the Mixed Commission.

Article XI. No person shall be intrusted with one or more liberated Negroes, unless he shall prove to the Board that he possesses ample means for the employment, maintenance, and support, of such Negro or Negroes, and unless he shall make himself answerable, under the penalty of eighty dollars for each Negro, that the conditions under which such Negro is received shall be duly observed.

Article XII. The master shall engage to pay a stipulated sum for the hire of each apprentice.

The curator may, if the amount is to be paid down in one sum, demand it previously to the hire; and if the sum is to be periodically paid, the curator may demand the same quarterly in advance.

Article XIII. The master shall undertake:—

1. That the apprentice shall be maintained with wholesome and abundant food; and shall be provided with such clothes as are usual, according to the custom of the country.

2. That he shall be instructed in the truths of the Christian religion, in order that he may be baptized before the expiration of the second year of his apprenticeship.

3. That he shall be vaccinated as soon as possible after having been delivered into the charge of the master; that in sickness he shall have proper medical advice, and shall be treated with due care and attention; and that in case of death he shall be decently buried at the master's expense.

4. That the apprentice shall be taught some useful business, or be instructed in some trade or mechanical art, whereby he may be enabled to maintain himself when the period of his service shall have expired.

5. That whenever an infant is born of any female apprentice, immediate information thereof shall be given by the master to the Board of Superintendence, in order that the fact may be duly registered.

6. That baptism of an infant, so born, shall take place within three months after its birth, and that the freedom of the child shall be recorded in the register of baptism; but that such child shall remain with its mother, and shall be maintained and treated by the master of the

mother, in the same manner as an apprentice, until the apprenticeship of the mother ceases.

Article XIV. No master shall, in any case, be authorized to transfer to another master his apprenticed negro, without the especial and written sanction of the Board; and if the master shall leave the country, or shall change his residence to a part of the country beyond the limits hereinbefore fixed for persons having apprentices, or if he shall become so reduced in his circumstances, as to be obliged to give up his establishment, then, and in any of these cases, he shall report the same to the Board, and shall bring his apprentices, and deliver them up to the said Board, by whom they shall be received, and shall afterwards be apprenticed to another master for the remainder of the period which such apprentices may have to serve, and under the same conditions as those imposed upon the first master. But in no case shall the master be allowed to deliver up his apprentice to any other authority than to the said Board, or to the curator under the orders of the Board.

If any apprentice shall be guilty of crimes which render him obnoxious to the laws of the country, or shall be guilty of habitual drunkenness, insubordination, wilful carelessness, or destruction of his master's property, the master may in such case bring him before the Board of Superintendence, and upon proof of the facts the said Board shall have power to cancel the indentures.

Article XV. If an apprentice should run away, his master shall give information thereof to the curator, who shall instantly proceed to a summary investigation of the fact, for the information of the Board of Superintendence.

Any master who shall be proved to have improperly disposed of an apprentice, whom he has reported as dead or absconded, shall pay as a fine the sum of three hundred dollars.

The half of this fine shall be paid to the informer, and the remainder to the curator, to be placed at the disposal of the Board for the purposes hereinafter mentioned.

Article XVI. If an apprentice should fall sick, the master shall give immediate notice thereof to the curator, in order that he, or one of his assistants, may visit such apprentice, and report to the Board the nature of his dis-

order, and the manner in which such sick Negro is taken care of.

If an apprentice should die, notice thereof shall immediately be given to the curator, in order that he, or one of his assistants, may attend for the purpose of ascertaining that the deceased Negro was really and truly the apprentice described as such in the register.

For this purpose the curator or his assistant shall make such inquiries as he may judge necessary, interrogating the inhabitants of the house in which the Negro has died, the neighbours, or any other persons; and shall take such other means as he may judge necessary to enable him to ascertain the truth, in order that the burial of the Negro, which is to be at the expense of the master, may take place without further delay.

A summary report of the result of this inquiry shall then be drawn up officially by the curator, and shall be delivered without delay to the Board.

The curator, after having identified the body of an apprentice who may have died, shall investigate the cause of the death; and if the death shall appear to have been natural, he shall note that fact in the register.

If the cause of death be doubtful, or shall appear to be otherwise than natural, he shall interrogate the other Negroes, and other inhabitants of the house, and shall take such other means as may appear necessary to ascertain the facts of the case; and if there shall appear reason to suspect that the death of such Negro has been occasioned by violence, improper usage, or culpable neglect, he shall take the proper course for bringing the offender to trial before the courts of the country.

Article XVII. If the master of any apprentice shall commit any breach of these conditions, a fine shall be imposed upon him of not less than fifty, and not exceeding one hundred dollars; one half of which shall go to the informer, and the other half shall be placed at the disposal of the Board of Superintendence, for the purposes hereinafter mentioned. And in case of any gross misconduct of the said master towards his apprentice, such master shall, if the Board of Superintendence shall think fit, besides paying the above-mentioned fine, forfeit all further right to

the services of the apprentice; and the said apprentice shall be taken from such master, and shall be apprenticed to another master for the remainder of his term of apprenticeship.

Article XVIII. If the master of an apprentice shall die, his heir, or the person to whom the possession of such apprentice shall devolve, shall, within four days after the death of such master, report the same to the Board of Superintendence.

The Board shall thereupon issue their order to the curator, to bring the apprentice before them; and when the apprentice is so brought, the Board shall apprentice him to another master, under the established conditions.

If the heir, or the person in possession of such apprentice, shall neglect to report the death of the master within four days, he shall pay one dollar a day for each apprenticed Negro belonging to such deceased master, until he shall have delivered them all up to the said Board; and he shall, moreover, be subject to the other penalties which attach to the non-performance of the conditions established by these Regulations.

Article XIX. If any liberated Negro be apprenticed to, or hired by, the Government, the contract shall contain the same conditions and stipulations in regard to the Negro, as are hereinbefore prescribed for cases in which the Negro is apprenticed to a private individual.

Article XX. Liberated Negroes shall, at the discretion of the Board of Superintendence, and when it shall be ascertained that their own free will has been previously obtained, be permitted to become soldiers or sailors in the regular land or sea forces of the State in whose territories they shall have been emancipated.

The Board shall take care in such case to ascertain, that the Negroes fully understand and are aware of the nature of the engagement which they enter into by so enlisting.

The Government into whose service the Negroes enlist shall sign a receipt for them; which receipt shall be delivered to the curator at the time of the enlistment; and the Board shall take means to ensure that the full and permanent emancipation of such Negroes shall be secured

to them, according to the true spirit of these Regulations.

Article XXI. Those liberated Negroes who may not be apprenticed, or who may not have enlisted into the sea or land forces of the State to which the colony or possession in which they may be belongs, or whose indentures shall have become void, or shall have been cancelled, shall be provided for by the Government of such colony or possession. They shall be kept within twenty miles of the place where the Mixed Commissions are sitting.

The expense of maintaining and supporting such Negroes shall be borne by the Government of the colony: but they shall be under the care and superintendence of the Board and curator; and the present regulations shall be applicable to them in every respect, excepting as regards apprenticeship.

Article XXII. The curator shall endeavour, by means of an interpreter, to explain to each Negro the nature of any contract by which he may become bound; and shall inform him that if he should at any time be ill-treated by his master, he must make his complaint to the curator, or to the Board of Superintendence of liberated Negroes.

Article XXIII. It shall be the duty of the curator, or of his assistant, to visit once, at least, in every three months, all places where there are any liberated Negroes under the superintendence of the Board; he shall examine and inspect all such Negroes, receive their complaints, inquire into those complaints and search out the truth, and investigate any abuses that may affect the said Negroes; and he shall also inquire into the general conduct of the Negroes themselves.

The curator shall then bring to the notice of the Board every complaint on the part of the said Negroes, and every breach of the conditions and stipulations of the contract under which the Negroes serve; and in all cases of well-founded complaint, the Board shall take proper means for affording redress.

The inspections above prescribed are not to be made at stated periods, but at uncertain times, and unexpectedly.

The curator shall also report to the Board every three months, the state in which he finds the liberated Negroes;

and his report shall be entered in a book to be kept for that purpose, to be called "Curator's Reports," and to be deposited in the office of the Board, so that, on reference thereto, the condition and behaviour of every liberated Negro may be easily known.

Article XXIV. All proceedings of the curator, together with a statement of all facts which may from time to time come to his knowledge, respecting the liberated Negroes, shall be immediately communicated by him to the Board of Superintendence; and he is not to institute any proceedings, nor to take any steps in respect to such Negroes, without the knowledge and sanction of the Board.

Article XXV. The curator shall receive all the sums which are to be paid for the hire of apprentices, and all the monies arising from penalties incurred by masters; and shall render an account thereof to the Board of Superintendence.

The amount is to be applied to the purposes hereinafter mentioned.

Article XXVI. When the prescribed term of service of any apprentice shall have expired, the curator shall, under the direction of the Board of Superintendence, summon such apprentice, together with his master, to appear before the said Board. The master shall then give up to the Board the indenture of the Negro; and the Negro shall receive from the Board a certificate, specifying that such Negro has completed the term of his apprenticeship, and is entitled to all the rights and privileges of a free person.

The curator shall see that this certificate be authenticated and registered according to the custom of the country.

Article XXVII. The Board of Superintendence shall have the power to admonish the curator, and any other officer serving under the Board, if such curator or other officer should fail to execute his duty faithfully; and, if the Board shall see necessary, they may dismiss such curator or other officer, and appoint successors.

Article XXVIII. The necessary proceedings for recovering such sums as may be due from masters on account of the hire of apprentices, and for enforcing the payment of the several fines and penalties hereinbefore

imposed, shall be instituted in the proper Courts of Law of the country where the Boards of Superintendence shall respectively reside, and shall be carried on at the instance of the Board.

The expenses of such proceedings shall be defrayed as hereinafter mentioned; and the High Contracting Parties hereby engage, that within six months from the exchange of the ratifications of the Treaty to which these Regulations are annexed, they will grant the requisite authority and powers to the Courts of Law of the country where the Boards of Superintendence are respectively held, to take cognizance of the actions which, for the due execution of these Regulations, may be brought in such Courts of Law at the instance of the Boards, so that the penalties hereinbefore mentioned may be recovered, and the levy of the monies hereinbefore mentioned may be enforced; and the payment of the amount thereof may be made to the person appointed by these Regulations to receive such penalties and monies.

Article XXIX. The money arising from the hire of liberated Negroes, and also from the penalties incurred by the masters, shall be deposited by the curator in a chest with three keys, one of which shall be kept by each commissioner of the Board of Superintendence, and one by the curator.

The curator shall so deposit the several sums as soon as he receives them, making previously a regular entry of the receipt in a book to be kept for that purpose.

This money shall be applied in the following manner, that is to say, a portion thereof, at the discretion of the Board of Superintendence, shall be paid to the curator, and to the other officers employed under the said Board, for their salaries; so much of the remaining portion as shall be needful, shall be applied towards defraying the expense of prosecuting masters for breach of the conditions and stipulations of their contracts, and also towards defraying the other expenses incurred for carrying these Regulations into effect; and the remaining balance, if any, shall be laid out, at the discretion of the said Board, in the promotion of the comfort and welfare of the liberated Negroes, either during their term of service or at its expiration, and

especially in rewards to liberated Negroes for good conduct.

The accounts of these monies, and of the manner in which they have been applied, shall, at the expiration of every year, be made up in duplicate by the curator; and after these accounts have been examined and approved by the Board, one of such duplicates shall be transmitted by each commissioner to the Government on whose part he is acting.

If the fund should not prove sufficient to liquidate the just and necessary demands made for the purposes required, the deficiency shall be made good in equal moieties by the two Governments.

Article XXX. In the event of a difference arising between the two aforesaid commissioners of the Board, regarding the appointment of any officer under them, or regarding any other matter in the execution of these Regulations,—if such difference shall occur in a British colony or possession, the Board shall call in the person who officiates in that colony or possession as Portuguese arbitrator to the Mixed Commission under the Treaty: and if the case shall occur in a Portuguese colony or possession, the Board of Superintendence shall call in the person who officiates in that colony or possession as British arbitrator to the Mixed Commission under the Treaty; and the Board of Superintendence of liberated Negroes thus formed, and being composed of the two commissioners and of one arbitrator, shall by the majority of voices decide all such points of difference.

It shall not be permitted to the members of the Board of Superintendence, nor to any officer acting under them, to demand or receive from any one, excepting as herein specified, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present Regulations.

Article XXXI. Nothing that is contained in these Regulations shall be construed to exempt any liberated Negro from his liability, as a free man, to be proceeded against for any offence committed by him (except as herein provided for) against the laws of the country in which he is located. But in all cases where any offence against such

laws is imputed to a Negro under the care of the aforesaid Board of Superintendence, the laws shall be administered to him as to a free man; and the curator shall, either personally, or by a responsible individual deputed by him for the purpose, attend the Courts of Justice of the country to see that justice is done to the Negro.

Article XXXII. It is further stipulated, with a view to avoid the unnecessary multiplication of words, that every thing contained in the foregoing Regulations which applies to masters, shall be construed as applying equally to mistresses; and that everything in the said Regulations with respect to Negroes, and apprentices, which applies to the masculine gender and singular number, shall be construed as applying equally to the female sex and to the plural number, unless such construction shall be in express opposition to any other enactment of these Regulations.

Article XXXIII. These Regulations shall be inserted in the Official Gazette or Journal of the countries whose Sovereigns are Contracting Parties to the Treaty; and also in the Official Journal or Gazette of the place where the Mixed Commissions are respectively held; and the Governments of the said countries shall convey to the said Boards of Superintendence of liberated Negroes, to the curators, and to their assistants under those Boards, such authority as may be requisite to enable the said Boards of Superintendence, curators, and officers acting under them, respectively, to perform the duties, and to exercise the powers entrusted to them by these Regulations.

Article XXXIV. The High Contracting Parties agree, that if in future it should appear necessary to adopt new measures, in consequence of those which are laid down in this Annex turning out inefficacious, the said High Contracting Parties will consult together and agree upon other means better adapted for the complete attainment of the objects they have in view.

The Undersigned Plenipotentiaries have agreed, in conformity with the XIVth Article of the Treaty signed by them on this day, the third of July, 1842, that the preceding Regulations, consisting of thirty-four Articles, shall be annexed to the said Treaty, and be considered an integral part thereof.

The third day of July, one thousand eight hundred and forty-two.

HOWARD DE WALDEN. (L.S.)

DUQUE DE PALMELLA. (L.S.)

SUAS Magestades a Rainha do Reino Unido da Gram Bretanha e Irlanda, e a Rainha de Portugal e dos Algarves, tendo grandes desejos de pôr immediato termo á pratica barbara e piratica de transportar os naturaes da Africa atravez dos mares, com o fim de os reduzir á Escravidão; e considerando Suas ditas Magestades que esta infame pratica foi declarada crime altamente punivel pela lei da Gram Bretanha no anno de mil oitocentos e sete, e foi igualmente prohibida, debaixo de severas penas, pela lei de Portugal em Dezembro de mil oitocentos e trinta e seis; e sendo Suas ditas Magestades de opinião que afim de mais completamente prevenir para o futuro a perpetração deste crime, e de tornar mais efficaz a execução das leis feitas em cada hum dos Paizes para a sua punição, será conveniente estabelecer regulamentos de policia maritima, e constituir Commissões coloniaes, aos quaes regulamentos e Commissões ficarão sujeitos os navios que navegão debaixo da bandeira de qualquer das Partes, e não pertencentes a huma ou outra das Marinhas Reaes, resolverão Suas ditas Magestades concluir hum Tratado para esse fim, e nessa conformidade nomearão para Seus Plenipotenciarios, a saber: Sua Magestade a Rainha do Reino Unido da Gram Bretanha e Irlanda, a Carlos Augusto, Lord Howard de Walden, Par do Reino Unido da Gram Bretanha e Irlanda, Cavalleiro Gram Cruz da Muito Illustre Ordem do Banho, Enviado Extraordinario e Ministro Plenipotenciario de Sua Magestade Britannica junto de Sua Magestade Fidelissima, &c., &c., &c.; e Sua Magestade a Raina de Portugal e dos Algarves, a Dom Pedro de Sousa Holstein, Duque de Palmella, Presidente vitalicio da Camara dos Pares, Conselheiro de Estado, Gram Cruz da Ordem de Christo, e da Torre e Espada, Capitão da Guarda Real dos Archeiros, Cavalleiro da Insigne Ordem do Tosão de Ouro, e Gram Cruz das Ordens de Carlos III. em Hespanha, da Legião

de Honra em França, de Santo Alexandre Newsky na Russia, Cavalleiro da Ordem de S. João de Jerusalem, Conde de Sanfré em Piemonte, Ministro e Secretario d'Estado Honorario, &c., &c., &c.; os quaes, tendo communicado hum ao outro os seus respectivos Plenos Poderes, que acharam estar em bôa e devida forma, concordarão nos seguintes Artigos:—

Artigo I. As duas Altas Partes Contractantes mutuamente declarão que a pratica infame e piratica de transportar por mar os naturaes d'Africa, para o fim de os reduzir á Escravidão, he, e sempre continuará a ser, hum crime rigorosamente prohibido e altamente punivel em toda a parte dos seus respectivos dominios, e para todos os subditos das suas respectivas Corôas.

Artigo II. As duas Altas Partes Contractantes consentem mutuamente que aquelles navios das suas respectivas Marinhas Reaes que estiverem munidos com instrucções especiaes como abaixo se menciona, possam visitar e dar busca ás embarcações das duas nações que sejão suspeitas, com fundamentos rasoaveis, de se empregarem em transportar Negros para o fim de os reduzir á Escravidão, ou de terem sido esquipadas com esse intento, ou de terem sido assim empregadas durante a viagem em que forem encontradas pelos ditos cruzadores; e as ditas Altas Partes Contractantes tambem consentem que os mesmos cruzadores possão deter, e mandar ou levar as ditas embarcações, afim de entrarem em processo da maneira abaixo convencionada; e para fixar o direito reciproco de busca, de modo tal que seja appropriado a conseguir o objecto deste Tratado, e prevenir ao mesmo tempo duvidas, disputas, e queixas, convenciona-se que o dito direito de busca será exercido da maneira, e conforme as regras seguintes:—

Primo: Nunca será exercido senão por navios de guerra authorisados expressamente para esse fim, conforme as estipulações deste Tratado.

Secundo: Em caso nemhum será exercido o direito de busca a respeito de hum navio da Marinha Real de qualquer das duas Potencias.

Tercio: Todas as vezes que a busca em huma embarcação fôr dada por hum navio de guerra, o commandante deste navio de guerra, immediatamente á chegada

abordo da embarcação que está para ser vizitada, e antes que principie a busca, apresentará ao commandante da dita embarcação o documento pelo qual he devidamente authorisado a dar a busca, e entregará ao mesmo commandante da embarcação que está para ser visitada, huma certidão assignada por elle mesmo, declarando o seu posto no serviço naval do seu Paiz, e o nome do navio de guerra que commanda; e esta certidão deverá tambem declarar que o unico objecto da visita he averiguar se a embarcação que deve ser visitada se acha empregada em transportar Negros ou outros a fim de serem reduzidos á Escravidão; ou se está equipada para esse fim. Quando a busca fôr dada por hum official do cruzador que não seja o commandante delle, procederá o mesmo official strictamente como se o fôra, depois de ter previamente apresentado ao capitão da embarcação que fôr visitada, huma copia do documento acima referido, assignada pelo commandante do cruzador; devendo do mesmo modo entregar huma certidão, assignada por elle, em que declare o seu posto na Marinha Real, o nome do commandante por cuja ordem procede a dar busca, o do cruzador em que anda embarcado, e o objecto de visita como ja se disse. Se pela visita se conhecer que os papeis da embarcação estão em devida forma, e que a embarcação anda empregada em negociações licitas, deverá o official declarar no diario da derrota da embarcação, que a visita foi feita em execução das ordens especia es acima mencionadas,deixando a embarcação em liberdade de proseguir a sua viagem.

Quarto: O posto do official que der a busca não deve ser inferior ao de tenente da Marinha Real, salvo se na occasião da visita elle fôr o official segundo commandante de navio, ou se o commando, por fallecimento ou outro qualquer motivo, tiver recahido em hum official de patente inferior.

Quinto: O direito reciproco de busca e detenção não será exercido no Mar Mediterraneo, nem nos Mares da Europa que estão fora do Estreito de Gibraltar, e ao norte de trinta e sete graos, parallelo de latitude septentrional, e que estão dentro e a leste de vinte gráos de longitude occidental do meridiano de Greenwich.

Artigo III. Afim de regular o modo de pôr em execução as disposições do Artigo precedente, convencionou-se:—

Primo: Que todos os navios das Marinhas Reáes das duas Nações, que d'aqui em diante forem empregados em impedir o transporte dos Negros ou outros para os reduzir á Escravidão, serão munidos pelos seus respectivos Governos de huma copia, nas lingoas Ingleza e Portugueza, do presente Tratado; das Instrucções para os Cruzadores a elle annexas sob o letra A; e dos Regulamentos para as Commissões Mixtas a elle annexos sob a letra B; os quáes Annexos serão respectivamente considerados como parte integrante do Tratado.

Secundo: Que cada huma das Altas Partes Contractantes, de tempos a tempos, e todas as vezes que se fizerem algumas mudanças nos navios de guerra empregados neste serviço, deverá communicar á outra os nomes dos diversos navios munidos de táes Instrucções; a força de cada hum, e os nomes dos seus diversos commandantes, e dos officiáes immediatos em commando.

Tercio: Que se em algum tempo houver justo motivo para suspeitar que alguma embarcação navegando com a bandeira de qualquer das duas Nações, e hindo debaixo do comboi de algum navio ou navios de guerra de qualquer das duas Partes Contractantes, hé empregada, ou tenciona empregarse, no transporte de Negros ou outros para os reduzir á Escravidão, ou está esquipada para esse fim, ou tem sido assim empregada durante a viagem em que foi encontrada; será do dever de todo o commandante de qualquer navio da Marinha Real de alguma das duas Altas Partes Contractantes, que estiver munido de táes Instrucções, como acima se disse, communicar por escripto as suas suspeitas ao commandante do comboi; e o dito commandante do comboi deverá accusar por escripto a mesma communicação, cumprindo-lhe proceder elle mesmo na, companhia do commandante do cruzador, á busca na embarcação suspeita.

Se as suspeitas se acharem ser bem fundadas, segundo o theor deste Tratado, será entaõ a dita embarcação conduzida ou mandada pelo commandante do comboi para hum dos pontos aonde as Commissões Mixtas estão estabelecidas, afim de que sofra a sentença applicavel ao seu cazo.

Quarto: Naõ será licito visitar ou deter, debaixo de qualquer pretexto ou motivo que seja, embarcação alguma

mercante fundeada em qualquer porto ou ancoradouro pertencente a qualquer das duas Altas Partes Contractantes, ou ao alcance de tiro de peça das baterias de terra, salvo se por parte das authoridades do Paiz se pedir auxilio por escripto; porém se alguma embarcação suspeita fôr encontrada nesse porto ou ancoradouro, far-se-ha a conveniente representação ás authoridades do Paiz, pedindo-lhes que tomem as medidas necessarias para prevenir a violação das estipulações deste Tratado; e as ditas authoridades procederão a tomar medidas efficazes nessa conformidade.

Artigo IV. Como os dous precedentes Artigos são inteiramente reciprocos, obrigão-se mutuamente as duas Altas Partes Contractantes a indemnisar quaesquer perdas que os seus respectivos subditos possão sofrer, pela detenção arbitraria e illegal das suas embarcações; bem entendido que esta compensação será feita pelo Governo cujo cruzador tiver sido culpado dessa arbitraria e illegal detenção. A compensação dos damnos de que trata este Artigo, se fará dentro do espaço de hum anno, contado do dia em que a Commissaõ Mixta proferir sentença sobre a embarcação por cuja detenção se reclamar tal compensação.

Artigo V. Fica comtudo claramente entendido entre as duas Altas Partes Contractantes, que nemhuma estipulação do presente Tratado será interpretada como opposta ao direito que tem os subditos Portuguezes de serem accompanhados em viagens, hindo ou vindo das possessõens Portuguezas na costa d'Africa, por Escravos que sejão *bonâ fide* do servidão de sua caza, e que sejão devidamente nomeados e descriptos como táes em passaportes com que a embarcação deve ser munida pela principal authoridade civil do lugar onde esses Escravos tiverem embarcado; com tanto porém:

Primo: Que em taes viagens nemhum subdito Portuguez, (excepto se fôr colono Portuguez, mudando-se difinitivamente da sua residencia em huma possessão Portugueza na costa d'Africa,) haja de ser accompanhado por mais de dous Escravos, que sejão *bonâ fide* do serviço de sua caza.

Secundo: Que o mesmo colono, mudando-se definitivamente com a sua familia, da sua residencia em huma possessão Portugueza na costa d'Africa, não seja accompanhado

por mais de dez Escravos, e que todos estes Escravos sejam *bonâ fide* do serviço de sua caza.

Tercio: Que esses Escravos do serviço de sua caza estejão soltos e em liberdade na embarcação, e vestidos como os Europeos em semelhantes circumstancias.

Quarto: Que nemhuns outros Escravos sejão embarcados no navio em que se acharem os ditos Escravos do serviço de sua caza; e que a viagem em que o mesmo colono e a sua familia fôr assim accompanhada por táes Escravos do serviço de sua caza, seja huma viagem em direitura ás ilhas Portuguezas de Cabo Verde, Principe, ou S. Thomé, de algum lugar das possessões Portuguezas na costa d'Africa aonde o dito colono tivesse estado permanentemente residindo.

Quinto: Que os passaportes acima mencionados especificarão cada huma das pessoas abordo da embarcação, e declararão os seus nomes, sexo, idade, e occupações, o ultimo lugar da sua residencia, e o lugar para onde vão.

Sexto: Que naõ haja cousa alguma na esquipação, ou na qualidade da embarcação em que esses Escravos de serviço de caza se possão achar, que justifique a sua detenção em virtude das condições deste Tratado.

Porém, se a esquipação ou a qualidade da embarcação justificar a sua detenção, debaixo das estipulações do presente Tratado; ou se algum dos regulamentos especeficados neste Artigo não fôr observado, on fôr violado a respeito da dita embarcação, então o mestre della, a sua tripulação, e o dono ou donos da dita embarcação, da carga, ou dos Escravos, ficarão sujeitos a que se proceda contra elles como cumplices em huma infracção do presente Tratado, e a serem castigados nessa conformidade; e a embarcação e a carga serão julgadas e condemnadas, e os Escravos postos em plena liberdade.

Artigo VI. Para fazer julgar, com a menor demora e inconveniencia possivel, as embarcações que possão ser detidas, segundo o theor do Artigo II deste Tratado, estabelecer-se hão, logo que seja praticavel, duas ou mais Commissões Mixtas, compostas de igual numero d'individuos das duas Nações, nomeados para esse fim pelos seus respectivos Soberanos.

Metade destas Commissões residirá nos territorios per-

tencentes a Sua Magestade Britannica, e a outra metade nas possessões de Sua Magestade Fidelissima; e os dous Governos, ao tempo da troca das ratificações do presente Tratado, declararão cada hum, quanto aos seus proprios dominios, em que lugares hão de as Commissões respectivamente residir; reservando-se cada huma das duas Altas Partes Contractantes o direito de mudar a seu arbitrio o lugar da residencia da Commissão estabelecida nos seus proprios dominios; com tanto porém, que ao menos duas das ditas Commissões devam sempre residir ou na costa d'Africa, ou em huma das ilhas adjacentes daquella costa.

Estas Commissões julgarão as causas que lhes forem submettidas segundo as estipulacões do presente Tratado, sem appellação; e em conformidade dos Regulamentos e Instrucções que lhe estão annexas, e que são consideradas como formando huma parte integrante delle.

Artigo VII. A Commissão Mixta que ao presente se acha estabelecida, e fazendo as suas sessões em virtude da Convenção concluida entre a Gram Bretanha e Portugal em vinte e oito de Julho, de mil oitocentos e dezesete, continuará a exercer as suas funcções; e antes e após do fim de seis mezes depois da troca das Ratificações deste Tratado, e até á nomeação e definitivo estabelecimento das Commissões Mixtas, em virtude do presente Tratado, julgará sem appellação, segundo os principios e estipulacões deste Tratado, e dos seus Annexos, os cazos daquellas embarcações que forem mandadas ou trazidas perante ella; e quaesquer vacancias que possão occorrer nas sobreditas Commissões Mixtas serão pre-enchidas da mesma maneira que se hão de pre-encher as vacancias nas Commissões Mixtas que tem de ser estabelecidas segundo as estipulações deste Tratado.

Artigo VIII. Se o official commandante de qualquer dos navios das respectivas Marinhas Reáes da Gram Bretanha e de Portugal, devidamente nomeado na conformidade das condições do Artigo II deste Tratado, se desviar a qualquer respeito das estipulações do dito Tratado, e das Instrucções a elle annexas, poderá o Governo que se julgar lesado pedir huma reparação; e em tal cazo Governo a que esse official commandante pertencer, se obriga a mandar proceder a investigações sobre o objecto da queixa; e a

impôr ao dito official hum castigo proporcionado a qualquer transgressão que possa ter commettido acintosamente.

Artigo IX. Qualquer embarcação Britannica ou Portugueza que fôr visitada em virtude do presente Tratado, pode ser legitimamente detida, e mandada, ou conduzida perante huma das Commissões Mixtas estabelecidas em consequencia das estipulações delle, se acazo alguma das cousas abaixo mencionadas fôr encontrada no seu aparelho ou esquipação, ou se se provar que estiverão abordo durante a viagem que a embarcação seguia quando apresada, a saber:

Primo: Escotilhas com xadrezes, em vez de escotilhas fechadas, como usão as embarcações mercantes.

Secundo: Separações ou repartimentos no porão ou na coberta, em maior numero do que são necessarios para embarcações empregadas em commercio licito.

Tertio: Pranchas de sobrecellente preparadas para se armarem como huma segunda coberta, ou coberta para escravos.

Quarto: Cadêas, grilhões, ou algemas.

Quinto: Maior quantidade d'agoa em toneis on em tanques, do que he mister para consummo da tripulação da embarcação, como navio mercante.

Sexto: Hum numero extraordinario de toneis para agoa, ou de outras vazilhas para guardar liquidos; salvo se o mestre apresentar huma certidão da Alfandega do lugar d'onde despachou na sua partida, declarando que os donos da embarcação deram fiança idonea de que aquelle extraordinario numero de toneis ou de outras vazilhas seria somente empregado em receber azeite de palma, on para outros fins de commercio licito.

Septimo: Maior quantidade de bandejas, gamellas, ou celhas de rancho, do que he necessaria para uso da tripulação da embarcação, como navio mercante.

Octavo: Hum caldeirão, ou outros aparelhos de cozinha, de extraordinario tamanho, e maiores, ou adaptados para se tornarem maiores, do que he necessario para uso da tripulação da embarcação, como navio mercante; ou mais de hum caldeirão, ou outros aparelhos de cozinha, de tamanho ordinario.

Nono: Huma quantidade extraordinaria de arroz, ou

de farinha do Brazil extrahida da mandioca, vulgarmente chamada farinha de pão, ou de milho miudo ou grosso, ou de qualquer outro genero de mantimento, além da que provavelmente se pode tornar preciza para uso da tripulação, huma vez que o dito arroz, farinha, farinha de páo, de milho grosso, ou outro qualquer genero de mantimento, não tenha sído lançado no manifesto, como parte da carga para negocio.

Decimo: Huma quantidade de esteiras ou esteirões maior do que he necessaria para uso da tripulação da embarcação, como navio mercante.

Huma qualquer ou mais de huma dessas diversas cousas, que se prove ter sido achada abordo, ou ter estado abordo durante a viagem que a embarcação seguia quando capturada, será considerada como prova *primâ facie* de andar a embarcação empregada no transporte de Negros ou outros para os reduzir á Escravidão; e em consequencia disso será a embarcação condemnada, e declarada bôa preza, a menos de se darem provas claras e incontestavelmente satisfactorias da parte do mestre ou donos, a contento dos Juizes, que tal embarcação andava ao tempo da sua detenção ou apresamento, empregada em alguma empreza licita, e que algumas das diversas cousas acima mencionadas que forão achadas a seu bordo ao tempo da sua detenção, ou tinhão estado a seu bordo na viagem que seguia quando capturada, eram necessarias para fins licitos naquella propria viagem.

Artigo X. Se alguma das cousas especificadas no Artigo precedente fôr achada em qualquer embarcação, ou se prove ter estado a seu bordo durante a viagem que seguia quando capturada em virtude das estipulações deste Tratado; nemhuma compensação por perdas, damnos, ou despezas provenientes da detenção de tal embarcação, se concederá em cazo algum ao mestre ou dono della, ou a qualquer outra pessoa interessada na sua esquipação ou carga; ainda mesmo que a Commissão Mixta não proferisse sentença alguma de condemnação em consequencia da sua detenção.

Artigo XI. Em todos os cazos em que huma embarcação fôr detida em virtude deste Tratado, pelos respectivos cruzadores das Partes Contractantes, como tendo estado

empregada em transportar Negros ou outros para os reduzir á Escravidão, ou como tendo sido esquipada com esse intento, e fôr consequentemente sentenciada e condemnada pelas Commissões Mixtas que se hão de estabelecer, como fica dito, poderá qualquer dos dous Governos comprar a embarcação condemnada para o serviço da sua Marinha Real, pelo preço que fôr fixado por pessoa competente, para esse fim escolhida pelo Tribunal das Commissões Mixtas; porém o Governo cujo cruzador tiver detido a embarcação condemnada terá a preferencia na compra; e a não ser assim comprada, será logo depois da condemnação inteiramente desmanchada, e assim vendida em pedaços separados.

Artigo XII. Quando qualquer embarcação tiver sido julgada bôa preza por huma das Commissões Mixtas, o capitão, piloto, tripulação, e passageiros achados abordo da dita embarcação, serão immediatamente postos á disposição do Governo do Paiz debaixo de cuja bandeira navegava a dita embarcação ao tempo da sua captura, para serem processados e punidos segundo as leis desse Paiz. Da mesma maneira o dono da embarcação, as pessoas interessadas na sua esquipação e carga, e os seus respectivos agentes, serão processados e punidos; salvo se provarem não ter tido parte naquella infracção do presente Tratado, em consequencia da qual houver sido condemnada a embarcação.

Artigo XIII. Cada huma das duas Altas Partes Contractantes mui solemnemente se obriga a garantir a liberdade dos Negros que forem emancipados, em virtude do presente Tratado, pelas Commissões Mixtas estabelecidas nas Colonias ou Possessões desse Governo; e a dar de tempos a tempos, e todas as vezes que for pedido pela outra Parte, ou pelos Membros das Commissões Mixtas, por cuja sentença tiverem os Escravos sido libertados, a mais ampla informação a respeito do estado e condição dos ditos Negros, com o proposito de assegurar a devida execução do Tratado a este respeito.

Com este fim foi feito o Regulamento annexo a este Tratado sob letra C, para o tratamento dos Negros libertados por sentença das Commissões Mixtas, e fica declarado formar parte integrante do presente Tratado: Reser-

vando-se as duas Altas Partes Contractantes o direito de alterar por commum consentimento e mutuo accordo, mas não de outra maneira, os termos e theor do dito Regulamento.

Artigo XIV. As Actas ou Instrumentos annexos a este Tratado, que mutuamente se convencionou deverem formar huma parte integrante delle, são os seguintes :—

A. Instrucções para os navios das Marinhas Reáes de ambas as Naçoes, empregados em prevenir o transporte de Negros e outros, feito com o fim de os reduzir á Escravidão.

B. Regulamento para as Commissões Mixtas.

C. Regulamento para o tratamento dos Negros libertados.

Artigo XV. Sua Magestade a Rainha de Portugal e Algarves, declara por este Artigo Pirataria o trafico da Escravatura, e que aquelles dos seus subditos que, debaixo de qualquer pretexto que seja, tomarem parte no trafico de Escravos, serão sujeitos á pena mais severa immediata á de morte.

Artigo XVI. O presente Tratado será ratificado, e as suas Ratificações serão trocadas em Lisboa no termo de dous mezes contados da data da sua assignatura, ou mais cedo se fôr possivel.

Em testemunho do que os respectivos Plenipotenciarios assignaram em originães duplicados, Inglez e Portuguez, o presente Tratado, e o firmarão com o sello das suas armas.

Feito em Lisboa, aos trez dias do mez de Julho, do anno do nascimento de nosso Senhor Jesus Christo mil oitocentos e quarenta e dous.

HOWARD DE WALDEN. (L.S.)

DUQUE DE PALMELLA. (L.S.)

Artigo Addicional ao Tratado concluido entre a Gram Bretanha e Portugal, para a abolição do traffico de Escravatura, aos trez dias do mez de Julho, do anno do nascimento de nosso Senhor Jesus Christo de mil oito centos e quarenta e dous.

Como o objecto deste Tratado e dos trez Annexos que formam parte delle, não he outro senão prevenir o traffico da Escravatura, sem prejudicar a respectiva navegação mercante das duas Nacões; e como este fraudulento traffico hé feito da costa d'Africa, aonde a Corôa de Portugal tem tambem extensas possessões coloniáes nas quaes se faz commercio licito que importa, segundo o espirito do Tratado, promover e proteger,—as Altas Partes Contractantes, animadas dos mesmos sentimentos, concordam em que se para o futuro parecer necessario a qualquer dellas adoptar novas medidas, ou alterar algums dos regulamentos executivos para conseguir o dito benefico fim, ou para obviar alguma imprevista inconveniencia á sobredita navegação ou commercio licito, que a experiencia tenha dado a conhecer, em consequencia de se terem achado inefficazes, ou prejudiciáes, os estabelecidos neste Tratado, e nos seus Annexos,—as ditas Altas Partes Contractantes se compromettem a consultar entre si sobre o fim de mais completamente conseguir o objecto proposto.

O presente Artigo Addicional terá a mesma força e vigor como se estivesse inserto, palavra por palavra, no Tratado assignado nesta data, e será ratificado, e as Ratificações trocadas no termo de dous mezes contados da data da sua assignatura, ou mais cedo se fôr possivel.

Em testemunho do que os Plenipotenciarios respectivos o assignárão, e firmárão com o sello das suas armas.

Feito em Lisboa, aos trez dias de Julho, de mil oitocentos e quarenta e dous.

Howard de Walden. (L.S.)

Duque de Palmella. (L.S.)

ANNEXO A *ao Tratado entre a Gram Bretanha e Portugal, sobre o Trafico de Escravatura, aos trez dias de Julho, de mil oitocentos e quarenta e dous.*

Instrucçoes para os navios das Marinhas Reáes Britannica e Portugueza, empregados em impedir o Trafico de Escravatura.

ARTIGO I. O commandante de qualquer navio pertencente á Marinha Real Britannica ou Portugueza, que estiver munido destas Instrucções, terá direito de visitar, dar busca, e deter, salvo nos limites exceptuados no Artigo II do Tratado, qualquer embarcação Britannica ou Portugueza, que estiver effectivamente empregada, ou se suspeitar que está empregada, em transportar Negros ou outros com o fim de os reduzir á Escravidão, ou de ter sido esquipada com essas vistas, ou de ter sido assim empregada durante a viagem em que fôr encontrada pelo dito navio da Marinha Britannica ou Portugueza; devendo em consequencia o dito commandante conduzir ou mandar a mesma embarcação, o mais breve possivel, para ser julgada perante huma das Commissões Mixtas, estabelecidas em virtude do Artigo VI do dito Tratado, que será a mais proxima do lugar da detenção, ou aquella a que o dito commandante, sob sua responsibilidade, julgar que se poderá chegar com mais brevidade.

Artigo II. Todas as vezes que hum navio de qualquer das Marinhas Reáes, devidamente authorisado, como acima fica dito, encontrar huma embarcação que esteja no caso de ser visitada na forma das estipulacões do dito Tratado, será a visita feita com a maior moderação, e com toda a attenção que se deve observar entre naçoes amigas e alliadas; e em todos os casos será esta visita feita por hum official cujo posto naõ seja inferior ao de tenente nas respectivas Marinhas da Gram Bretanha e de Portugal; salvo se o commando, por mortivo de morte, ou por qualquer outra circunstancia, recahir em official de patente inferior; ou se o official que fizer a visita fôr a esse tempo o segundo commandante do navio que fizer essa visita.

Artigo III. O commandante de qualquer navio das duas Reáes Marinhas, devidamente authorisado como acima fica

dito, que detiver qualquer embarcação em observancia do theor das presentes Instrucções, fará por escripto, ao tempo da detenção, huma declaração authentica que mostre o estado em que achou a embarcação detida; a qual declaração deverá ser por elle assignada; e será dada ou mandada, juntamente com a embarcação capturada, á Commissão Mixta, perante a qual a dita embarcação será levada ou mandada para ser julgada; e deverá entregar ao mestre da embarcação detida huma certidão assignada dos papeis apprehendidos abordo, assim como do numero dos Escravos achados no acto da detenção.

Na declaração authentica que por este Artigo se exige do aprezador, bem como na certidão dos papeis apprehendidos, deverá elle inserir o seu proprio nome, o nome do navio aprezador, a latitude e longitude do lugar onde a detenção tiver sido feita, e o numero dos Escravos achados abordo da embarcação quando detida.

Quando o commandante do cruzador naõ julgar dever tomar sobre si o conduzir e entregar a embarcação detida, naõ confiará esse serviço a nemhum official de patente inferior á de tenente de Marinha, salvo se fôr a algum official que a esse tempo naõ seja inferior ao terceiro em commando do navio aprezador.

O official encarregado da embarcação detida deverá, quando levar os papeis da embarcação perante a Commissaõ Mixta, entregar ao tribunal hum relatorio por elle assignado, e authenticado por juramento, de quaesquer mudanças que possam ter occorrido a respeito da embarcação, da sua tripulação, Escravos, se os houver, e da sua carga, entre o periodo da sua detenção, e o tempo da entrega do dito relatorio.

Artigo IV. Parte alguma da tripulação ou dos passageiros, da carga ou dos escravos achados abordo da embarcação aprezada, será tirada della, até que a dita embarcação, tenha sido entregue a huma das Commissoẽs Mixtas; salvo se a transferencia de toda ou parte da tripulação, ou dos passageiros, ou de todo ou parte dos Escravos achados abordo, se julgar necessaria, quer seja para lhes conservar a vida, ou por qualquer outra consideração he humanidade, quer seja para segurança das pessoas encarregadas de conduzir a embarcação depois da sua detenção; em o qual caso o com-

mandante do cruzador, ou o official encarregado da dita embarcação detida, lavrará hum termo em que declare as rasoẽs da dita transferencia; e os commandantes, marinheiros, ou passageiros, assim transferidos, serão conduzidos ao mesmo porto aonde fôr a embarcação e carga.

Os Plenipotenciarios abaixo assignados convieram, na conformidade do Artigo XIV do Tratado assignado por elles neste dia trez de Julho, de 1842, que as Instrucçoẽs precedentes, que constam de quatro Artigos, serão annexadas ao dito Tratado, e consideradas como parte integrante delle.

Aos trez dias de Julho, de mil oito centos e quarenta e dous.

HOWARD DE WALDEN. (L.S.)

DUQUE DE PALMELLA. (L.S.)

ANNEXO B *ao Tratado entre a Gram Bretanha e Portugal, sobre o Trafico da Escravatura, aos trez dias de Julho, de mil oitocentos e quarenta e dous.*

Regulamento para as Commissoes Mixtas que devem julgar os cazos das embarcaçoes na conformidade do Tratado entre a Gram Bretanha e Portugal, sobre o Trafico da Escravatura, de trez de Julho, de mil oitocentos e quarenta e dous.

ARTIGO I. As Commissões Mixtas que se estabelecerem na forma das estipulacões do Tratado do qual este Regulamento he declarado formar parte integrante, serão compostas da maneira seguinte:—

Cada huma das duas Altas Partes Contractantes nomeará hum Commissario e hum arbitro, que serão authorisados a tomar conhecimento, e a julgar sem appellação, todos os cazos de preza ou detenção de embarcações, que em observancia das estipulacões do dito Tratado, forem levados perante elles. Os commissarios e os arbitros, antes de entrarem no exercicio das funccões de seus cargos, deverão respectivamente prestar juramento perante o principal magistrado dos lugares onde as mencionadas Commissões residirem, de que haõ de julgar justa e fielmente; e de que não darão preferencia nem aos reclamantes nem aos aprezadores; assim como de que hão de obrar, em todas as suas

decisões, na conformidade das estipulações do sobredito Tratado.

A cada huma destas Commissões estará aggregado hum secretario ou official de registro, nomeado pelo Soberano em cujos territorios residir a tal Commissão; o qual secretario ou official de registro registrará todas as actas dessa Commissão; devendo, antes de entrar no exercicio do seu cargo, prestar juramento perante ella, de que se ha de conduzir com o respeito devido á authoridade da dita Commissão, e portarse com fidelidade e imparcialidade em todas as materias relativas ao seu respectivo cargo.

O ordenado do secretario ou official de registro das Commissões que se estabelecerem nos dominios de Sua Magestade Britannica, será pago por Sua dita Magestade; e o do secretario ou official de registro das Commissões que se estabelecerem nas possessões coloniáes de Portugal, será pago por Sua Magestade Fidelissima.

Cada hum dos Governos satisfará metade da importancia total das despezas eventuáes das ditas Commissões.

Artigo II. As despezas que fizer o official encarregado da recepção, manutenção, e cuidado da embarcação, escravos, e carga detidos, e as que se fizerem com a execução da sentença; bem como todos os gastos occasionados por levar huma embarcação a ser julgada; serão pagos, no cazo della ser condemnada, pelos fundos que provierem da venda dos materiáes da embarcação, depois que fôr desmanchada, das provisiões della, e daquella parte da carga que consistir em mercadorias; e no caso que o producto da venda de tudo isto não seja sufficiente para pagar táes despezas, será pre-enchido o que faltar, pelo Governo do paiz em cujo territorio tiver sido condemnada embarcação.

Se porém ella ficar desempedida, serão as despezas occasionadas por a levar a ser julgada, pagas pelo aprezador; excepto nos casos especificados, e de outra forma regulados, no Artigo X do Tratado a que este Regulamento está annexo, e no Artigo VII deste Regulamento.

Artigo III. As Commissoēs Mixtas decidirão da legalidade da detenção daquellas embarcaçoēs que os cruzadores da huma ou outra nação detiverem na conformidade do dito Tratado.

Estas Commissoēs julgarão definitivamente, e sem appel-

laçao, todas as questoẽs que se suscitarem pelo aprezamento e detenção de táes embarcaçoẽs.

O procedimento destas Commissoẽs terá lugar com a menor demora possivel; e para esse fim se exige que as Commissoẽs decidam cada cazo, quanto possa ser praticavel, dentro do espaço de vinte dias, contados do dia em que a embarcação detida tiver sido levada ao porto onde residir a Commissão que a ha de julgar.

Em caso nemhum será demorada a sentença final além do periodo de dous mezes, quer seja por motivo d'auzencia das testemunhas, quer seja por outra qualquer razão; excepto se fôr a requerimento de qualquer das partes interessadas; no qual caso, dando a mesma parte ou partes fiança idonea de que tomam sobre si a despeza e risco da demora, poderão as Commissoẽs a seu arbitrio conceder huma dilação addicional, que não exceda a quatro mezes.

Será permittido a qualquer parte empregar aquelle advogado que julgue capaz de a coadjuvar na defeza de sua causa.

As sessoẽs das ditas Commissoẽs Mixtas serão publicas; e todas as partes essenciáes dos processos que instaurarem serão escriptas na lingoa do paiz em que respectivamente residirem as mesmas Commissoẽs.

Artigo IV. A forma do processo será a seguinte:—

Os Commissarios respectivamente nomeados pelos dous Governos examinarão, em primeiro lugar, os papeis da embarcação detida, e tomarão os depoimentos do mestre ou commandante, e de dous ou trez, pelo menos, dos principáes individuos de bordo da dita embarcação, assim como a declaração jurada do aprezador, se acazo parecer necessaria, afim de se habilitarem a julgar e sentenciar se a mesma embarcação foi ou não justamente detida segundo as estipulações do sobredito Tratado, e afim de que nessa conformidade ella fique condemnada ou desempedida.

Acontecendo que os dous Commissarios não concordem na sentença que devem proferir sobre qualquer caso perante elles proposto, ou seja a respeito da legalidade da detenção, ou de a embarcação estar ou não nos termos de dever ser condemnada, ou ácerca da indemnização que se deve conceder, ou sobre qualquer outra questão que possa resultar do mencionado aprezamento; ou no caso que se suscite alguma differença de opinião quanto ao modo de proceder da dita Commissão; tirarão elles á sorte o nome de hum dos dous

arbitros nomeados como acima se disse; o qual, depois de ter examinado todo o processo, conferenciará sobre o caso com os dous supramencionados Commissarios; proferindo-se então a decizão ou sentença final, na conformidade da opinião da maioria dos trez.

Artigo V. Se a embarcação detida fôr mandada restituir por sentença da Commissão, serão a embarcação e a sua carga logo entregues, no estado em que então se acharem, ao mestre ou á pessoa que o representar; podendo o dito mestre ou a tal pessoa requerer, perante a mesma Commissão, que se lhe faça huma avaliação da importancia das indemnizações que possa ter direito a reclamar. O mesmo aprezador, e na falta delle o seu Governo, ficará responsavel pelos prejuizos a que possão vir a ter direito o mestre da dita embarcação, ou os donos della ou da sua carga.

As duas Altas Partes Contractantes se obrigão a pagar no prazo de hum anno, contado da data da sentença, as custas e prejuizos que forem julgados pela sobredita Commissão; ficando mutuamente etendido e convencionado, que taes custas e prejuizos serão pagos pelo Governo do paiz de que fôr subdito o aprezador.

Artigo VI. Se a embarcação detida fôr condemnada, será declarada bôa preza, juntamente com a sua carga, de qualquer qualidade que ella seja, á excepção dos Negros ou outros que tiverem sido trazidos a seu bordo para o fim de serem reduzidos á Escravidão: e a dita embarcação, segundo a que se acha estipulado no Artigo XI do Tratado desta data, será, assim como a sua carga, vendida em leilão, a beneficio dos dous Governos obrigados ao pagamento das despezas supramencionadas.

Os Escravos receberão da Commissão huma carta de alforria, e serão entregues ao Governo a que pertencer o cruzador que fez a captura, para serem tratados na forma dos regulamentos e condições contidas no Annexo a esse Tratado debaixo da letra C.

As despezas feitas para a manutenção e tornaviagem dos Commandantes e tripulaçao das embarcações condemnadas, serão pagas pelo Governo de que forem subditos os taes Commandantes e tripulações.

Artigo VII. As Commissões Mixtas tomarão tambem conhecimento, e sentenciarão definitivamente, e sem appellação, todas as reclamações de indemnização por perdas

causadas ás embarções e cargas que houverem sido detidas, segundo as estipulacões deste Tratado, mas que não tiverem sido julgadas bôa preza pelas ditas Commissões: e em todos os casos em que fôr ordenada a restituição de taes embarcações e carga (salvo os mencionados no Artigo X do Tratado, e em huma subsequente parte deste Regulamento que lhe está annexo) deverão as Commissões julgar ao reclamante, ou reclamantes, ou ao seu bastante procurador, ou procuradores, a beneficio delle, ou delles, huma justa e completa indemnizacão de todas as custas de processo, e de todas as perdas e damnos que o dono ou donos tiverem effectivamente sofrido por hum semelhante aprezamento ou detenção; a saber:—

Primo. Em cazo de perda total, o reclamante ou reclamantes serão indemnizados;—

a. Do casco da embaracação, do seu massame, aparelho, e mantimentos.

b. De todos os fretes vencidos e a vencer.

c. Do valor da carga de generos, se a houver, deduzidos todos os gastos e despezas que se fizer com a venda de tal carga, inclusa a commissão de venda.

d. De todas as outras despezas usuáes em semelhante cazo de perda total.

Secundo. Em todos os outros casos em que a perda não fôr total, salvo os abaixo mencionados, serão o reclamante ou reclamantes indemnizados;—

a. De todos os prejuizos e despezas especiáes causadas á embarcação por ter sido detida; e da perda do frete vencido ou a vencer.

b. Da estalia, quando se deva, na conformidade da Tabella annexa ao presente Artigo.

c. De qualquer deterioração da carga.

d. Do todo o premio de seguro sobre augmento de risco.

O reclamante ou reclamantes terão direito ao juro, na razão de cinco por cento ao anno, da somma que lhes fôr julgada, até que seja paga pelo Governo a que pertencer o navio aprezador. A importancia total desta indemnização será calculada na moeda do paiz a que pertencer a embarcação detida, e será liquidada ao cambio corrente do dia da sentença.

As duas Altas Partes Contractantes convieram todavia,

se se provar de modo que satisfaça os commissarios de ambas as naçoẽs, e sem lhes ser precizo recorrer á decizão de hum arbitro, que o aprezador fora induzido em erro por culpa do mestre ou do commandante da embarcação detida, que neste cazo não terá direito a dita embarcação a receber, pelo tempo da sua detenção, a estalia estipulada no presente Artigo, nem qualquer outra indemnização pelas perdas e damnos, ou despezas procedentes da mesma detenção.

Tabella da estalia, ou indemnizaçao diaria das despezas da demora, de huma embarcaçao de

				Libras.	
100	toneladas á	120	inclusive	5	Por dia.
121	. .	150	. .	6	
151	. .	170	. .	8	
171	. .	200	. .	10	
201	. .	220	. .	11	
221	. .	250	. .	12	
251	. .	270	. .	14	
271	. .	300	. .	15	

e assim á proporção.

Artigo VIII. Nem os commissarios, nem os arbitros, nem os secretarios das Commissoẽs, pedirão, ou receberão de qualquer das partes interessadas nos casos propostos perante as Commissões, emolumento ou dadiva alguma, debaixo de qualquer pretexto que seja, pelo desempenho dos deveres que tem de cumprir.

Artigo IX. Quando as partes interessadas julgarem ter motivo para se queixarem de alguma injustiça manifesta da parte das Commissões Mixtas, poderão representa-la aos seus respectivos Governos, que se reservam o direito de se entenderem mutuamente para prevenir tal injustiça para o futuro.

Artigo X. As duas Altas Partes Contractantes convieram em que no caso de fallecimento, enfermidade, ausencia com licença, ou outro qualquer impedimento legal, de hum ou mais dos commissarios ou arbitros que compoem respectivamente as supramencionadas Commissoẽs, será o lugar dos ditos commissarios ou arbitros interinamente supprido da maneira seguinte:—

Primo. Da parte de Sua Magestade Britannica, e na-

quellas Commissoẽs que se estabelecerem nas possessoẽs de Sua dita Magestade,—se a vacancia fôr do commissario Britannico, será o seu lugar pre-enchido pelo arbitro Britannico; e tanto naquelle caso, como se a vacancia fôr originariamente do arbitro Britannico, será o lugar delle successivamente pre-enchido pelo Governador, ou Tenente-Governador residente nas mesmas possessoẽs; pelo principal magistrado; e pelo secretario do Governo dellas: e as ditas Commissoẽs assim constituidas como acima, farão as suas sessões, e em todos os casos propostos perante ellas para serem julgados, procederão a julga-los, e a proferir sentença nessa conformidade.

Secundo. Da parte da Gram Bretanha, e naquellas Commissoẽs que se estabelecerem nas possessoẽs de Sua Magestade Fidelissima,—se a vacancia fôr do commissario Britannico, será o seu lugar pre-enchido pelo arbitro Britannico; e tanto naquelle caso, como se ella fôr originariamente do arbitro Britannico, será o seu lugar successivamente pre-enchido pelo Consul e Vice-Consul Britannico, se houver hum Consul ou Vice-Consul Britannico nomeados e residentes nas ditas possessoẽs: mas se a vacancia fôr tanto do commissario como do arbitro Britannico, será então pre-enchida a do commissario pelo Consul Britannico, e a do arbitro pelo Vice-Consul Britannico, se houver hum Consul e hum Vice-Consul Britannico nomeados e residentes nas ditas possessoẽs; e não havendo Consul ou Vice-Consul Britannico para pre-encher o lugar do arbitro Britannico, será então chamado o arbitro Portuguez, naquelles casos em que o deveria ser o Britannico, se o houvesse; mas se a vacancia fôr tanto do commissario como do arbitro Britannico, e não houver Consul nem Vice-Consul Britannico para as pre-encher interinamente,—farão então o commissario e o arbitro Portuguez as suas sessoẽs, e em todos os casos propostos perante elles para serem julgados, procederão a julga-los, e a proferir sentença nessa conformidade.

Tercio. Da parte de Portugal, e naquelles Commissoẽs que se estabelecerem nas possessoẽs de Sua Magestade Fidelissima,—se a vacancia fôr do commissario Portuguez, será o seu lugar pre-enchido pelo arbitro Portuguez: e tanto naquelle caso, como se a vacancia fôr originariamente do

arbitro Portuguez, será o lugar delle successivamente pre-enchido pela principal authoridade civil residente nas mesmas possessoẽs, pelo principal magistrado, e pelo secretario do Governo dellas: e as ditas Commissoẽs assim constituidas como acima, farão as suas sessoẽs, e em todos os casos propostos perante ellas para serem julgados, procederão a julga-los, e a proferir sentença nessa conformidade.

Quarto. Da parte de Portugal, e naquellas Commissoẽs que se estabelecerem nos possessoẽs de Sua Magestade Britannica,—se a vacancia fôr do commissario Portuguez, será o seu lugar pre-enchido pelo arbitro Portuguez; e tanto naquelle caso, como se ella fôr originariamente do arbitro Portuguez, será o seu lugar successivamente pre-enchido pelo Vice-Consul Portuguez, se houver hum Consul ou Vice-Consul Portuguez nomeados e residentes nas ditas possessoẽs: mas se a vacancia fôr tanto do commissario, como do arbitro Portuguez, será então pre-enchida a do commissario pelo Consul Portuguez, e a do arbitro pelo Vice-Consul Portuguez, se houver hum Consul e hum Vice-Consul Portuguez nomeados e residentes nas ditas possessoẽs; e não havendo Consul ou Vice-Consul Portuguez para pre-encher o lugar do arbitro Portuguez, será então chamado o arbitro Britannico naquelles casos em que o deveria ser o Portuguez, se o houvesse; mas se a vacancia fôr tanto do commissario como do arbitro Portuguez, e não houver Consul nem Vice-Consul Portuguez para as pre-encher interinamente,—farão então o commissario e o arbitro Britannico as suas sessoẽs; e em todos os casos propostos perante elles para serem julgados, procederão a julga-los, e a proferir sentença nessa conformidade.

A principal authoridade civil do estabelecimento onde houver de residir qualquer das Commissoẽs Mixtas, deverá, no caso de occorrer alguma vacancia, ou seja do commissario ou do arbitro da outra Alta Parte Contractante, dar logo parte della á principal authoridade civil do estabelecimento mais proximo da dita outra Alta Parte Contractante, afim de que essa vacancia se possa pre-encher no mais breve periodo possivel: e cada huma das Altas Partes Contractantes concorda em pre-encher definitivamente o mais depressa possivel, as vacancias que por fallecimento ou outra qualquer cauza possão occorrer nas supramencionadas Commissoẽs.

Artigo XI. As Commissões Mixtas deverão transmittir todos os annos ao respectivo Governo hum relatorio concernente,—

1°. Aos casos que forão propostos perante ellas para serem julgados.

2°. Ao estado dos Negros libertados.

3°. A qualquer informação que possão obter a respeito do tratamento, e progresso feito na educação religiosa e mecanica dos Negros libertos; devendo o dito relatorio ser annualmente publicado em cada paiz, com authorisação do Governo.

Os Plenipotenciarios abaixo assignados, na conformidade do Artigo XIV do Tratado por elles assignado neste dia trez de Julho, de mil oitocentos e quarenta e dous, convieram em que o precedente Regulamento, que consta de onze Artigos, seja annexado ao dito Tratado, e considerado como parte integrante delle.

Aos trez dias de Julho, de mil oitocentos e quarenta e dous.

HOWARD DE WALDEN. (L.S.)

DUQUE DE PALMELLA. (L.S.)

ANNEXO C *ao Tratado entre a Gram Bretanha e Portugal, sobre o Trafico da Escravatura, aos trez dias de Julho, de mil oitocentos e quarenta e dous.*

Regulamento relativo oa tratamento dos Negros libertos.

Artigo I. O objecto e fim da letra e espirito deste Regulamento he assegurar aos Negros e outros libertados, em virtude das estipulações do Tratado a que este Regulamento está annexo (com a marca C), bom tratamento permanente, e huma plena e completa alforria, na conformidade das humanas intenções das Altas Partes Contractantes.

Artigo II. Logo depois que a sentença de condemnação de huma embarcação accusada de estar implicada no illicito Trafico de Escravatura, tiver sido proferida pelas Commis-

sões Mixtas estabelecidas em virtude do Tratado a que este Regulamento está annexo, todos os Negros ou outros, que estiverem a seu bordo, e que forem trazidos para elle com o fim de serem reduzidos á Escravidão, serão entregues ao Governo a que pertencer o cruzador que tiver feito o aprezamento.

Artigo III. Os Negros assim libertos, e entregues a esse Governo, serão postos debaixo do cuidado e superintendencia de huma junta composta de dous membros ou commissarios, authorisados a convocar hum terceiro quando se derem as circumstancias abaixo especificadas.

Naquellas colonias ou possessões de Sua Magestade Britannica aonde, em virtude do presente Tratado, houverem de residir as Commissões Mixtas, serão as Juntas de Superintendencia dos Negros libertos compostas dos Governadores daquellas colonias ou possessões, e dos commissarios Portuguezes das ditas Commissões Mixtas: e quando os commissarios Portuguezes estiverem ausentes, então os arbitros Portuguezes das mesmas Commissões Mixtas tomarão assento, em lugar dos commissarios, nas Juntas de Superintendencia dos Negros libertos.

Naquellas colonias ou possessões de Sua Magestade Fidelissima aonde, em virtude do Tratado a que este Regulamento está annexo, houverem de residir as Commissões Mixtas, serão as Juntas de Superintendencia dos Negros libertos compostas dos governadores das ditas colonias ou possessões, e dos commissarios Britannicos das ditas Commissões Mixtas; e quando os commissarios Britannicos estiverem ausentes, então os arbitros Britannicos das mesmas Commissões Mixtas tomarão assento, em lugar dos commissarios, ás Juntas de Superintendencia dos Negros libertos.

Os differentes membros das Juntas de Superintendencia, antes de entrarem no exercicio de suas respectivas funcções, deverão prestar juramento perante o principal magistrado do lugar, de fielmente desempenharem seus cargos, sem favor ou parcialidade, na conformidade da verdadeira intenção e intelligencia deste Regulamento.

Artigo IV. Para melhor levar a effeito o fim que se tem em vista no presente Regulamento, será escolhida e nomeada pela Junta de Superintendencia, para obrar

debaixo de sua direcção, com o titulo de Curador dos Negros libertos, huma pessoa con conhecida probidade e humanidade, que poderá, com authorisação da Junta, empregar as pessoas que sejão necessarias para o co-adjuvarem no cumprimento dos sues deveres.

O curador assim nomeado deverá, antes de começar a exercer as funcções do seu cargo, prestar perante a Junta de Superintendencia hum juramento nos seguintes termos:—

"Eu, A. B., juro solemnemente que hei de proceder como melhor soubere entender, fiel e imparcialmente no desempenho do meu cargo, e que me hei de portar com devido respeito para com a authoridade da Junta de Superintendencia dos Negros libertos a que estou ligado.

" Assim Deos me ajude."

Artigo V. O Curador dos Negros libertos deverá assistir pessoalmente á entrega que se fizer dos Negros á pessoa encarregada pelo Governo de os receber, depois de proferida a sentença de alforria, como se especificou no Artigo II deste Regulamento.

Quando os Negros forem entregues ao Governo, como acima se disse, deverá o official que os receber passar recibo delles em originães duplicados que assignará, e em que declare ou numero dos de cada sexo.

Hum destes recibos originães será dado á pessoa anteriormente encarregada dos Negros, e o outro será dado ao curador, que o depositará na secretaria do registro da Commissão Mixta que sentençiou o caso da embarcação em que os Negros forão capturados.

No tempo em que se fizer a entrega dos ditos Negros ao Governo pela maneira acima mencionada, serão elles inspeccionados com miudeza pelo curador, que porá a cada hum o seu nome, o qual lançará em hum livro que se intitulará, " Registro dos Negros Libertos," e que para esse fim deve haver na secretaria da Junta de Superintendencia; na frente do nome se fará a descripção da pessoa, da sua idade provavel, e signáes corporeos, e de quaesquer particularidades que se possão verificar acerca da familia e nação de tal Negro; bem como se lançará o nome da embarcação em que foi capturado.

Cada Negro será então marcado na parte superior do

braço direito com hum pequeno instrumento de prata, que terá por devisa hum symbolo de liberdade.

Artigo VI. A Junta de Superintendencia deverá então fazer constar pelos papeis publicos a sua intenção de pôr a aprendizes os Negros libertos; e passados sete dias depois de feito este annuncio, terá lugar o assoldadar ou dar para aprendizes os Negros em leilão publico, ou por propostos particulares, como se julgar melhor; sendo então distribuidos os Negros pelas pessoas que os tomarem de soldada, com as condições e estipulações abaixo mencionadas, que serão publicadas ao tempo de leilão ou das propostas; assim como serão incorporadas em huma escriptura ou instrumento que se ha de celebrar, com todas as fomalidades, entre quem os tomar de soldada e a dita Junta. Esta escriptura ou instrumento será feita em duplicado, impressa e não escripta, ficando huma copia della em poder de quem os tomar de soldada, e a outra em poder da Junta, debaixo do cuidado do curador.

Quando as quantias por duas ou mais differentes pessoas offerecidas de soldada por hum Negro, forem iguáes, dar-se ha a preferencia á pessoa que se encarregar de empregar esse Negro como official mecanico ou como criado de servir.

Artigo VII. O tempo de serviço a que os aprendizes hão de estar obrigados, deverá ser de sete annos para todos os Negros que, ao tempo de se assoldadarem, tiverem mais de treze annos d'idade; porem trez desses sete annos poderão depois ser perdoados ao arbitrio da Junta, havendo recommendação do mestre, e provas de que o aprendriz he capaz de ganhar huma subsistencia honesta, e he merecedor de tal indulgencia.

O serviço como aprendizes daquelles Negros que, ao tempo em que se assoldadarem, tiverem menos de treze annos d'idade, deverá continuar até aos vinte annos, sugeita a diminuição deste prazo ao arbitrio da Junta, havendo-se dado as devidas provas de que o aprendiz he merecedor de tal indulgencia, e capaz de se manter a si proprio.

Artigo VIII. Quando se confiar ao mesmo mestre mais de hum aprendiz, haverá cuidado em escolher para esse fim os que forem da mesma nação Africana, e se fôr possivel, da mesma familia; não sendo em caso algum separado de sua

mai o filho ou filha que tiver menos de quatorze annos d'idade; e antes dovendo hir sempre d'aprendiz com sua mãi para o mesmo mestre.

Artigo IX. O nome e morada do mestre, juntamente com o nome e situação da fazenda ou caza aonde o Negro liberto tiver de residir, deverão ser inseridos em frente do nome do Negro na sua escriptura ou instrumento.

Artigo X. Nemham Negro será dado d'aprendiz a mestre algum que resida a mais de vinte milhas Inglezas do lugar em que estiver estabelecida a Commissão Mixta que o libertára; e se algum mestre a quem hum Negro seja dado d'aprendiz, mudar depois de residencia, exigir-se há que assim o participe immediatamente ao curador.

Os aprendizes devem sempre residir naquella designada fazenda ou caza do mestre, que estiver registrada como situada dentro na supramencionada distancia do lugar onde se achar estabelecida a Commissão Mixta.

Artigo XI. A pessoa alguma se confiará hum ou mais Negros libertos, sem que prove á Junta que possue abundantes meios para empregar, manter, e sustentar, o dito Negro ou Negros; e sem que se obrigue, debaixo da mulcta de oitenta duros por cada Negro, a que as condições por que o recebe hão de ser exactamente cumpridas.

Artigo XII. O mestre se obrigará a pagar a somma estipulada pela soldada de cada aprendiz; e se a importancia houver de ser paga por huma vez, poderá o curador exigi-la antes de o assoldadar; e se houver de ser paga periodicamente, poderá exigi-la em quarteis adiantados.

Artigo XIII. O mestre se obrigará:—

1°. A que o aprendiz será mantido com alimentos sadios e abundantes, e será provido com o vestuario que fôr usual segundo o costume do paiz.

2°. Que será instruido nas verdades da religião Christãa, a fim de poder ser baptizado antes de expirar o segundo anno de seu tempo d'aprendiz.

3°. Que será vaccinado o mais depressa possivel depois de haver sido entregue ao cuidado do mestre; e que nas suas molestias terá a conveniente assistencia do facultativo, e será tratado com o devido cuidado e attenção; e no caso de fallecimento, que será decentemente enterrado á custo do dito mestre.

4°. Que se ensinará ao aprendiz alguna occupação util, ou que será instruido em algum commercio ou officio mecanico, por onde fique habilitado a poder manterse quando tiver expirado o tempo do seu serviço.

5°. Que quando nascer hum filho de alguma aprendiz, fará o mestre immediata participação desse acontecimento á Junta de Superintendencia, afim de que semelhante facto seja devidamente registrado.

6°. Que o baptismo de huma creança nascida em táes circumstancias terá lugar dentro de trez mezes depois do seu nascimento, e que o seu estado de liberdade será declarado no assento de baptismo; mas que a dita creança ficará com a sua mãi, até que esta acaba o seu tempo de aprendizado, e será sustentada e tratada pelo mestre della do mesmo modo que hum aprendiz.

Artigo XIV. Nemhum mestre será authorisado, em caso algum, a trespassar a outro mestre o seu aprendiz Negro, sem permissão especial e por escripto da Junta; e se o mestre houver de sahir do paiz, ou tiver de mudar a sua residencia para huma outra parte situada além dos limites acima prescriptos para as pessoas que tem aprendizes; ou se vier a archarse tão transtornado de fortuna, que se veja obrigado a deixar o seu estabelecimento, então e em cada hum destes casos, deverá elle participalo á Junta, á qual levará e entregará os seus aprendizes, que serão por ella recebidos, e dados depois a outro mestre pelo resto do tempo que tiverem ainda de servir, debaixo das mesmas condições anteriormente impostas ao primeiro mestre. Em caso nemhum porem será permittido ao mestre entregar o seu aprendiz a alguma outra authoridade que não seja a dita Junta, ou ao curador sugeito á ordens della.

Se algum aprendiz fôr culpado em crimes que o tornem sugeito ás penas das leis do paiz, ou fôr culpado de habitual embriaguez, insubordinação, deliberado desleixo, ou destruição da propriedade de seu mestre, pode este em tal caso trazelo perante a Junta de Superintendencia; e provando-se os factos, terá a dita Junta faculdade de invalidar as escripturas.

Artigo XV. Se algum aprendiz fugir, dará o seu mestre immediata informação disso áo curador, o qual procederá logo a huma investigação summaria do facto, para conheci-

mento da Junta de Superintendencia. Qualquer mestre a quem se provar que dispoz indevidamente de algum aprendiz do qual tenha dado parte de ter fallecido, ou de se ter escondido, pagará de mulcta a somma de trezentos duros. A metade desta mulcta será paga ao denunciante, e o resto ao curador, para ser posto á disposição da Junta, para os fins abaixo indicados.

Artigo XVI. Se algum aprendiz cahir doente, dará disso o mestre immediatamente parte ao curador, afim d'este, ou hum dos seus ajudantes, poder hir ver o dito aprendiz, e participar á Junta a natureza da sua molestia, e a maneira por que elle hé tratado.

Se hum aprendiz fallecer, dar-se ha disso immediatamente parte ao curador, afim de que este, ou hum dos seus ajudantes, possa hir verificar que o Negro fallecido era o proprio e verdadeiro aprendiz descripto como tal no registro.

Para este fim deverá o curador, ou o seu ajudante, fazer as pesquizas que julgar necessarias, interrogando os habitantes da caza em que o Negro falleceo, o visinhos, ou outras quaesquer pessoas, e tomando quaesquer outras medidas que entender precisas para o habilitar a verificar a verdade, de maneira que o enterro do Negro, que deve ser á custa do mestre, possa ter lugar sem maior demora.

Hum relatorio summario do resultado destas pesquizas será depois lavrado oficialmente pelo curador, e entregue sem demora á Junta.

O curador, depois de ter identificado o corpo de qualquer aprendiz que tiver fallecido, indagará a causa da sua morte; e se se conhecer que ella foi natural, notará este facto no registro.

Se a causa da morte fôr duvidosa, ou se se conhecer que não foi natural, deverá então interrogar os outros Negros, e os outros habitantes da caza, e tomar outras quaesquer medidas que parecer necessarias para verificar as circumstancias do caso; e se houver motivo para suspeitar que a morte do dito Negro foi ocasionada por violencia, indevido tratamento, ou culpavel negligencia, usará dos meios convenientes para fazer comparecer o culpado perante os tribunáes do paiz.

Artigo XVII. Se o mestre de qualquer aprendiz violar

alguma destas condições, impôrse-lhe há huma mulcta que não será menos de cincoenta duros, nem excederá a cem; metade da qual será para o denunciante, e a outra metade será posta á disposição da Junta de Superintendencia, para os fins abaixo indicados.

No caso de algum excessivo máo tratamento da parte do dito mestre para com o seu aprendiz, além do mesmo mestre pagar o sobredita mulcta, perderá, se a Junta de Superintendencia assim o julgar conveniente, todo o ulterior direito aos serviços do aprendiz; o qual será tirado desse mestre, e dado a outro pelo resto do tempo que lhe faltar de aprendiz.

Artigo XVIII. Se o mestre de hum aprendiz fallecer, o seu herdeiro, ou a pessoa a quem se devolver a posse de tal aprendiz, deverá dentro de quatro dias depois do fallecimento do dito mestre, participar esse caso á Junta de Superintendencia, cumprindo á Junta expedir immediatamente ordem ao curador para trazer perante ella o aprendiz; e quando este lhe fôr apresentado, o dará a outro mestre, debaixo das condições estabelecidas.

Se o herdeiro, ou a pessoa em cujo poder estiver o dito aprendiz, se descuidar de participar o fallecimento do mestre dentro de quatro dias, deverá pagar hum duro por dia por cada aprendiz Negro pertencente ao tal mestre fallecido, até que tenha feito entrega delles todos á sobredita Junta; e ficará além disso sugeito ás outras penas applicadas á falta de cumprimento das condições estabelecidas neste Regulamento.

Artigo XIX. Se algum Negro liberto fôr tomado para aprendiz, ou assoldadado, por conta do Governo, deverá a escriptura conter, a respeito do dito Negro, as mesmas condições e estipulações que acima se prescreverão para os casos em que elle fôr dado de aprendiz a hum individuo particular.

Artigo XX. Será permittido aos Negros libertos, a arbitrio da Junta de Superintendencia, quando se tiver verificado que previamente se obtivera o livre consentimento delles, assentar praça de soldados ou de marinheiros nas forças regulares de mar ou de terra do Estado em cujos territorios tiverem sido emancipados.

A Junta, em tal caso, tomará cuidado em certificar-se

de que os Negros entendem e conhecem perfeitamente a natureza das obrigações que contrahem por assim se alistarem.

O Governo em cujo serviço os Negros se alistarem, assignará hum recibo delles, que será entregue ao curador ao tempo do alistamento: e a Junta tomará medidas para assegurar que a plena e permanente alforria de táes Negros lhes fique salva, segundo o verdadeiro espirito deste Regulamento.

Artigo XXI. Aquelles Negros libertos que não forem postos a aprendizes, ou que se não alistarem nas forças de mar ou de terra do Estado a que pertencer a colonia ou possessão em que estiverem, ou cujas escripturas vierem a ficar sem effeito, ou a ser invalidadas, ficarão a cargo do Governo da dita colonia ou possessão, e serão conservados dentro do espaço de vinte milhas do lugar onde residirem as Commissões Mixtas.

A despeza feita em manter e sustentar os ditos Negros estará a cargo do Governo da colonia: ficando elles porem debaixo do cuidado e superintendencia da Junta e do curador; e sendo-lhes applicavel o presente Regulamento a todos os respeitos, excepto no que toca a estarem por aprendizes.

Artigo XXII. O curador procurará explicar a cada Negro, por meio de hum interprete, a natureza de qualquer contracto em que elle entre; e o prevenirá de que se em algum tempo fôr maltratado por seu mestre, se deve queixar ao curador, ou á Junta de Superintendencia dos Negros libertos.

Artigo XXIII. Será da obrigação do curador ou do seu ajudante, vizitar, ao menos huma vez em cada trimestre, todos os lugares onde estiverem alguns Negros libertos debaixo da superintendencia da Junta; devendo examinar e inspecionar todos os ditos Negros, receber suas queixas, e fazer indagações ácerca dellas para descobrir a verdade, e investigar quaesquer abusos que possão prejudicalos; cumprindo-lhe tambem inquirir da conducta geral delles.

O curador levará depois ao conhecimento da Junta todas as queixas dos ditos Negros, e qualquer quebrantamento das condições e estipulações do contracto em virtude

do qual estiveram servindo; e em todos os casos de bem fundada queixa, usará a Junta dos meios convenientes para que se lhes faça justiça.

As inspecções acima prescriptas não se deverão fazer em periodos determinados, mas em tempo incerto e inesperado.

O curador dará tambem parte á Junta em cada trimestre, do estado em que achar os Negros libertos; e a sua participação será lançada em hum livro que haverá para esse fim com o titulo de "Participações do Curador," e que deve estar depositado na secretaria da Junta, de sorte que recorrendose e elle, se possa facilmente saber a occupação e comportamento de todos os Negros libertos.

Artigo XXIV. Todos os actos praticados pelo curador, juntamente com huma exposição de todos os factos que successivamente chegarem ao seu conhecimento a respeito dos Negros libertos, serão logo communicados por elle á Junta de Superintendencia; não devendo elle instaurar procedimento algum, nem dar qualquer passo a respeito dos ditos Negros, sem conhecimento e authorisação da Junta.

Artigo XXV. O curador receberá todas as quantias que houverem de se pagar pelas soldadas dos aprendizes, e todo o dinheiro procedente das mulctas em que incorrerem os mestres, e dará de tudo huma conta á Junta de Superintendencia. A importancia total deverá ser applicada para os fins abaixo indicados.

Artigo XXVI. Quando tiver expirado o termo prescripto para o serviço d'algum aprendiz, deverá o curador, debaixo das instrucções da Junta de Superintendencia, notificar o dito aprendiz, juntamente com o seu mestre, para comparecerem perante a mesma Junta, á qual o mestre entregará então a escriptura do Negro, recebendo este da Junta huma certidão em que se declare que completou seu tempo de aprendiz, e tem jus a todos os direitos e privilegios de huma pessoa livre.

O curador terá cuidado em que essa certidão seja legalizada e registrada conforme a pratica do paiz.

Artigo XXVII. A Junta de Superintendencia terá authoridade para admoestar o curador, e qualquer outro empregado subordinado á mesma, se algum delles deixar

de cumprir fielmente o seu dever; podendo a dita Junta demitti-los, se assim o julgar necessario, e nomear lhes successores.

Artigo XXVIII. Os processos necessarios para as cobranças das quantias que os mestres deverem per conta da soldada dos aprendizes, e para exigencia do pagamento das differentes mulctas e penas pecuniarias acima impostas; serão instaurados nos tribunáes competentes do paiz onde as respectivas Juntas de Superintendencia residirem, e serão proseguidos a requisição da Junta.

As custas de táes processos serão pagas como abaixo se menciona; e as Altas Partes Contractantes se obrigão por est Artigo a conceder, dentro de seis mezes contados da troca da ratificação do Tratado á que este Regulamento está annexo, a authoridade e poderes necessarios aos tribunáes do paiz once as respectivas Juntas de Superintendencia estão estabelecidas, para tomarem conhecimento das acções que para a devida execução deste Regulamento forem intentadas perante os ditos tribunáes, a requisição das Juntas; de sorte que se cobrem as mulctas acima mencionadas, e se exija a entrega do dinheiro referido, sendo feito o pagamento da sua importancia á pessoa designada por este Regulamento para a receber.

Artigo XXIX. O dinheiro procedente das soldadas dos Negros libertos, e das mulctas em que incorrerem os mestres, será depositado pelo curador em hum cofre de trez chaves, das quaes cada commissario da Junta de Superintendencia guardará huma, e o curador outra.

O curador depositará por este modo as diversas quantias logo que as receber, dando ante huma regular entrada della em hum livro destinado para esse fim.

Este dinheiro será applicado da seguinte maneira, a saber: huma porção delle, ao arbitrio da Junta de Superintendencia, servirá para pagar os ordenàdos do curador, e dos outros officiaes empregados debaixo das ordens da Junta; da porção restante se applicará o que fôr preciso para pagar as despezas feitas em demandar os mestres pelo quebrantamento das condições e estipulações dos seus contractos, e tambem para pagar as outras depezas occasionadas por levar a effeito este Regulamento; e o saldo ques obrar, se o houver, será empregado, ao arbitrio da

dita Junta, em promover as commodidades e prosperidade dos Negros libertos, durante o tempo do seu serviço, ou depois delle acabado, e especialmente em premiar aquelles que bem se conduzirem.

As contas destes dinheiros, e da maneira por que houverem sido dispendidos, serão, no fim de cada anno, feitas em duplicado pelo curador; e depois de examinadas e approvadas pela Junta, será hum dos ditos duplicados transmittido por cada commissario ao Governo por parte do qual estiver servindo.

Se os fundos não forem sufficientes para satisfazer as justas e necessarias requisições feitas para os fins exigidos, será o que faltar supprido em partes iguáes pelos dous Governos.

Artigo XXX. No caso de se excitar alguma controversia entre os dous sobreditos commissarios da Junta a respeito da nomeação de algum official seu subordinado, ou acerca de algum outro objecto relativo á execução deste Regulamento,—se a tal controversia occorrer em huma colonia ou possessão Portugueza, convocará a Junta a pessoa que nessa colonia ou possessão servir de arbitro Britannico na Commissão Mixta, segundo o Tratado; e se o caso tiver lugar em huma colonia ou possessão Britannica, convocará então a Junta de Superintendencia a pessoa que nessa colonia ou possessão servir de arbitro Portuguez na Commissão Mixta, segundo o Tratado; a fim de que a Junta de Superintendencia dos Negros libertos assim formada, sendo composta dos dous commissarios e de hum arbitro, decida á pluralidade de votos todos esses pontos de desavença.

Não será permettido aos membros da Junta de Superintendencia, nem á qualquer official seu subordinado, pedir ou receber de pessoa alguma, salvo como neste Regulamento se especifica, emolumento algum, debaixo de qualquer pretexto que seja, pelo desempenho dos deveres que lhe são impostos pelo presente Regulamento.

Artigo XXXI. Nemhuma cousa que se contenha neste Regulamento se entenderá isentar qualquer Negro liberto da sugeição em que está, como homem livre, de que se proceda contra elle por qualquer crime que commetta (excepto como neste Regulamento se providenciou) contra as leis do

paiz onde se achar. Em todos os casos porem em que se imputar huma offensa contra essas leis a hum Negro, que esteja debaixo do cuidado da sobredita Junta de Superintendencia, ellas lhe serão applicadas como a hum homem livre; devendo o curador pessoalmente, ou por meio d'alguem responsavel que para esse fim tenha deputado, ser presente nos tribunáes de justiça do paiz, para que se faça justiça ao Negro.

Artigo XXXII. Estipulou-se mais, com o fim de evitar desnecessaria multiplicação de palavras, que tudo quanto se contem nas disposições acima prescriptas, que seja applicada aos mestres, se entenderá como applicavel igualmente ás mestras e que todo, que nas ditas disposições a respeito dos Negroes e aprendizes, é applicado ao sexo masculino e numero singular, será entendido como applicavel igualmente áo sexo feminino e numero plural, salvo se huma tal intelligencia fôr expressamente opposta a qualquer outra disposição deste Regulamento.

Artigo XXXIII. Este Regulamento será inserido na Gazeta ou Jornal Official dos paizes cujos Soberanos são Partes Contractantes deste Tratado, e tambem na Gazeta ou Jornal Official do lugar onde se estabelecerem as respectivas Commissões Mixtas: e os Governos das ditos paizes conferirão á referida Junta de Superintendencia dos Negros libertos, aos curadores, e a seus ajudantes, subordinadas áquellas Juntas, a authoridade necessaria para que as mesmas Juntas, curadores, e officiaes que respectivamente servirem debaixo das suas ordens, possão cumprir os deveres, e exercer as poderes que por este Regulamento lhes são confiados.

Artigo XXXIV. Se para o futuro parecer necessario adoptor novas medidas, em consequencia de se haverem tornado inefficazes as estabelecidas neste Annexo, convem as Altas Partes Contractantes em consultar entre si e ajustar outros meios mais appropriados a obter completamente os fins que tem em vista.

Os Plenipotenciarios abaixo assignados, na conformidade do Artigo XIV do Tratado por elles assignado neste dia trez de Julho de 1842, convieram em que o precedente Regulamento, contendo trinta e quatro Artigos, será annex-

ado ao dito Tratado, e considerado como parte integrante delle.

Aos trez dias de Julho, de mil oitocentos e quarenta e dous.

HOWARD DE WALDEN. (L.S.)

DUQUE DE PALMELLA. (L.S.)

ADDITIONAL ARTICLE.

[Ratifications exchanged at Lisbon, November 24, 1842.]

Additional Article to the Treaty concluded at Lisbon on the 3rd of July, 1842, between Great Britain and Portugal, for the suppression of the Traffic in Slaves.

WHEREAS the regulations in respect to the treatment of liberated Negroes, contained in Annex C of the Treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and Her Majesty the Queen of Portugal and the Algarves, signed at Lisbon on the third of July, 1842, are by the XIIIth Article of that Treaty declared to be established for the purpose of guaranteeing the liberty of such Negroes:

And whereas within the British colonies in which, in pursuance of the said Treaty, Mixed Commissions have been established, there are, already in force, or may be hereafter enacted, laws, or regulations having the force of law, better adapted for the purpose aforesaid, and the maintenance of such laws or regulations would therefore be more in accordance with the salutary end which the two High Contracting Parties have in view:

It is therefore agreed, that in the British colonies where such Mixed Commissions are established, and where the existing laws, or regulations having the force of law, on the subject of the treatment of liberated Negroes, are already better adapted than the Regulations contained in the Annex C, to guarantee the liberty of Negroes liberated under the said Treaty, the Mixed Commissions shall consider such laws or regulations as superseding the special Regulations of

Annex C, inasmuch as they may, either wholly or in part, be more beneficial to the said liberated Negroes.

It is equally agreed that the Mixed Commissions established in the colonial dominions of either of the two High Contracting Parties, in virtue of the aforesaid Treaty, shall be empowered with full authority to admit in future similar substitutions, in the case of any laws, or regulations having the force of law, being hereafter enacted in the colonies of Her Britannic Majesty, or in the colonies of Her Most Faithful Majesty, better adapted to guarantee the liberty and ensure the welfare of the liberated Negroes in the said colonies.

Any such laws, or regulations having the force of law, by which any of the Regulations of Annex C shall be superseded under this Article, shall be duly communicated, as the case may be, by the one to the other of the High Contracting Parties.

The present Additional Article shall have the same force and validity as if it had been inserted, word for word, in the aforesaid Treaty of the 3rd of July, 1842.

It shall be ratified, and the ratifications thereof shall be exchanged at Lisbon, at the expiration of six weeks from the date of its signature, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Lisbon, the twenty-second day of October, in the year of Our Lord one thousand eight hundred and forty-two.

HOWARD DE WALDEN. (L.S.)

DUQUE DE PALMELLA. (L.S.)

Artigo Addicional ao Tratado concluido em Lisboa aos trez de Julho, de mil oitocentos e quarenta e dous, entre a Gram-Bretanha e Portugal, para a suppressão do Trafico da Escravatura.

VISTO que o regulamento arespeito do tratamento dos Negros libertos, contido do Annexo C do Tratado entre Sua Magestade a Rainha do Reino Unido da Gram-Bretanha e

Irlanda, e Sua Magestade a Rainha de Portugal e Algarves, assignado em Lisboa aos trez de Julho, de mil oitocentos e quarenta e dous, está declarado pelo Artigo Decimoterceiro do dito Tratado, haver sido estabelecido para o fim de garantir a liberdade de taes Negros:

E visto que nas colonias Britannicas nas quaes, em execução do dito Tratado, se tem estabelecido Commissoens Mixtas, já existem em vigor, ou podem de futuro ser promulgadas leis, ou regulamentos com força de lei, mais bem adaptados ao sobredito proposito, e que a conservação de taes leis ou regulamentos seria por isso mais conforme ao fim salutar que as duas Altas Partes Contractantes tem em vista:

Fica por tanto ajustado, que nas colonias Britannicas, aonde taes Commissoens Mixtas estão estabelecidas, e aonde as leis, ou regulamentos com força de lei, existentes sobre o objecto do tratamento dos Negros libertos, já são mais bem adaptados do que o Regulamento contido no Annexo C, para garantir a liberdade dos Negros libertos em virtude do dito Tratado; deverão as Commissoens Mixtas considerar taes leis ou regulamentos como substituindo o Regulamento especial do Annexo C, em tanto quanto possam ser, no todo ou em parte, mais proficuos aos ditos Negros libertos.

Fica igualmente ajustado que as Commissoens Mixtas estabelecidas no dominios coloniaes de qualquer das duas Altas Partes Contractantes, em virtude do sobredito Tratado, serão plenamente authorisadas para admittir de futuro similhantes substituiçoens, no caso de serem para o diante promulgadas nas colonias de Sua Magestade Britannica, ou nas colonias de Sua Magestade Fidelissima, quaesquer leis, ou regulamentos com força de lei, mais bem adaptados a garantir a liberdade, e a assegurar o bem-estar dos Negros libertos nas ditas colonias.

Quaesquer leis, ou regulamentos com força de lei, pelos quaes alguma das disposiçoens do Annexo C fôr substituida na conformidade d'este Artigo, serão devidamente communicados, como o caso o pedir, por uma Alta Parte Contractante á outra.

O presente Artigo Addiccional terá a mesma força e validade como se estivesse inserto, palavra por palavra, no

sobredito Tratado de trez de Julho, de mil oitocentos e quarenta e dous.

Será ratificado, e as ratificaçoens d'elle serão trocadas em Lisboa, no termo de seis semanas a datar da sua assignatura, ou mais cedo se fôr possivel.

Em testemunho do que, os respectivos Plenipotenciarios o assignarem, e firmaram com o sello das suas armas.

Feito em Lisboa, aos vinte e dous dias do mez de Outubro, do anno do Nascimento de nosso Senhor Jesus-Christo de mil oitocentos e quarenta e dous.

HOWARD DE WALDEN. (L.S.)

DUQUE DE PALMELLA. (L.S.)

SARDINIA.

TREATY *between His Majesty the King of the French, and the King of Sardinia, containing the Accession of His Sardinian Majesty to two Conventions between Great Britain and France, for the more effectual suppression of the Slave Trade.—Signed at Turin, August* 8, 1834.

[Ratifications exchanged at Turin, Dec. 8, 1834.]

With an Additional Article thereto, signed at Turin, December 8, 1834.

SA Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, ayant conclu le 30 Novembre, 1831, et le 22 Mars, 1833, deux Conventions destinées à assurer la répression complète de la Traite des Noirs ; les Hautes Parties Contractantes, conformément à l'Article IX de la première de ces Conventions, qui porte que les autres Puissances maritimes seront invitées à y accéder, ont adressé cette invitation à Sa Majesté le Roi de Sardaigne.

Et Sa dite Majesté, animée des mêmes sentimens, et empressée de concourir avec ses deux augustes Alliés au même but d'humanité, n'ayant pas hésité à accueillir leur proposition, les trois Hautes Puissances, dans la vue d'accomplir ce dessein généreux, et pour donner à l'accession de Sa Majesté Sarde, ainsi qu'à son acceptation par Sa

Majesté Britannique, et par Sa Majesté le Roi des Français, l'authenticité convenable, et toute la solemnité usitée, ont résolu de conclure à cet effet une Convention formelle, et ont en conséquence nommé pour leurs Plénipotentiaires, savoir:—

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Sir Auguste Jean Foster, Baronet du Royaume Uni, Membre du Très Honorable Conseil Privé de Sa Majesté Britannique, et son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Cour de Turin ;—

Sa Majesté le Roi des Français, M. Amable Guillaume Prosper Brugière, Baron de Barante, Pair de France, Conseiller d'Etat, Officier de l'Ordre Royal de la Légion d'Honneur, Ambassadeur de Sa Majesté le Roi des Français près la Cour de Turin ;—

Et Sa Majesté le Roi de Sardaigne, le Comte Victor Sallier de la Tour, Marquis de Cordon, Chevalier de l'Ordre Suprême de la Très Sainte Annunciade, Grand Cordon de l'Ordre des Saints Maurice et Lazare, Commandeur de l'Ordre Militaire, et Chevalier de l'Ordre Civil de Savoie, Grand-Croix de plusieurs ordres étrangers, Général de Cavalerie, Ministre et Premier Secrétaire d'Etat au Département des Affaires Etrangères :

Lesquels, après avoir échangé réciproquement leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans :—

Article I. Sa Majesté le Roi de Sardaigne accède aux Conventions conclues et signées le 30 Novembre, 1831, et le 22 Mars, 1833, entre Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, relativement à la répression de la Traite des Noirs, ainsi qu'à leurs Annexes, sauf les réserves et modifications exprimées dans les Articles II, III, et IV, ci-après, qui seront considérés comme additionnels aux dites Conventions et à leurs Annexes, et sauf les différences qui résultent nécessairement de la situation de Sa Majesté Sarde, comme partie accédante aux Conventions en question après leur conclusion. Sa Majesté le Roi du Royaume Uni d'Angleterre et d'Irlande, et Sa Majesté le Roi des Français, ayant accepté la dite accession, tous les Articles de ces deux Conventions, et toutes les dispositions de leurs Annexes, seront, en conséquence, censés avoir été

conclus et signés, de même que la présente Convention, directement entre Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté le Roi des Français, et Sa Majesté le Roi de Sardaigne.

Leurs dites Majestés s'engagent et promettent réciproquement d'exécuter fidèlement, sauf les réserves et modifications stipulées par les présentes, toutes les clauses, conditions, et obligations qui en résultent; et pour éviter toute incertitude, il a été convenu que les susdites Conventions, ainsi que leurs Annexes, seront insérées ici mot à mot, ainsi qu'il suit:—

[Here follow the Conventions of November 30, 1831, and March 22, 1833, and the Annex containing the Instructions to cruizers, which have already been laid before Parliament.]

Instructions portant autorisation de visiter et arrêter les bâtimens marchands Anglais se livrant à la Traite des Noirs, ou équipés pour ce trafic.

Monsieur,

Une Convention a été conclue à Paris, le 30 Novembre, 1831, entre la France et la Grande Bretagne, pour la répression de la Traite des Noirs. Aux termes de cette Convention, des croiseurs appartenant à l'un ou à l'autre des deux pays, doivent être autorisés, sous les Instructions spéciales qui y sont mentionnées, à visiter et à arrêter, dans l'étendue des limites particulières, des navires marchands de l'autre nation se livrant à la Traite, ou soupçonnés d'être armés pour ce trafic. Une Convention Supplémentaire a été en outre conclue entre les dits pays, le 22 Mars, 1833, dans le but d'expliquer et de développer quelques unes des dispositions de la Convention susmentionnée; et à cette Convention Supplémentaire sont annexées des Instructions pour les croiseurs qui doivent être employés au dit service.

J'ai jugé convenable que le bâtiment que vous commandez fût un des croiseurs Français muni des dites Instructions spéciales.

Je vous envoie ci-joint des expéditions de la Convention principale du 30 Novembre, 1831, et des Instructions y annexées, dont il a été fait mention ci-dessus; et je vous autorise en conséquence, et je vous donne pouvoir, en vertu du présent ordre et du mandat ci-joint du Gouvernement de Sa Majesté Britannique, de visiter les navires marchands sous pavillon Anglais soupçonnés de se livrer à la Traite des Noirs, dans les limites indiquées dans l'Article I de la Convention du 30 Novembre, 1831 (avec l'extension conditionnelle qui s'y trouve expliquée), et d'agir à l'égard de ceux de ces navires qui se seront livrés à un Commerce d'Esclaves, ou qui seront soupçonnés d'être armés pour ce trafic, ainsi qu'il est indiqué dans ces divers documens.

Je vous charge de vous conformer très strictement à toutes les dispositions et stipulations qui s'y trouvent contenues, en vous recommandant d'avoir soin d'exercer l'autorité qui vous est ainsi conférée, de la manière la plus douce, et avec tous les égards que se doivent des nations alliées et amies, et de coopérer cordialement avec les commandans de tout bâtiment de guerre Anglais employé au même service.

Recevez, Monsieur, les assurances de ma parfaite considération.

Donné à Paris, le

Le Ministre Secrétaire d'Etat de la Marine et des Colonies.

Mandat en vertu duquel un bâtiment de guerre Anglais pourra visiter et arrêter un bâtiment de commerce Français engagé dans la Traite des Noirs, ou équipé pour ce trafic.

Dans une Convention entre la France et la Grande Bretagne, signée à Paris le 30 Novembre, 1831, pour la répression de la Traite des Noirs, et dans une Convention Supplémentaire relative au même objet, en date du 22 Mars, 1833, il a été stipulé que certains croiseurs seraient autorisés, conformément aux Instructions spéciales qui y sont mentionnées, à visiter et à arrêter, dans l'étendue de limites particulières, des navires marchands de l'autre

nation, se livrant à la Traite des Noirs, ou soupçonnés d'être armés pour ce trafic.

Attendu que le Gouvernement de Sa Majesté Britannique a jugé convenable que le bâtiment que vous commandez fût l'un des croiseurs Anglais pourvu des dites Instructions spéciales, et que vous devez recevoir en conséquence des Instructions du dit Gouvernement pour vous guider dans le dit service, je vous autorise et je vous donne pouvoir, *en vertu de ces Instructions et du présent Mandat*, de visiter des bâtimens marchands sous pavillon Français soupçonnés de se livrer à la Traite dans les limites indiquées dans l'Article I de la Convention du 30 Novembre, 1831, avec l'extension conditionnelle qui s'y trouve indiquée, et d'agir à l'égard des bâtimens qui se seront livrés à la Traite, ou qui seront soupçonnés d'être équipés pour ce trafic, ainsi qu'il est prescrit dans la dite Convention, et dans la Convention Supplémentaire, ainsi que dans les Instructions qui y sont annexées.

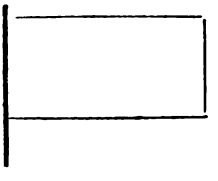
Donné à Paris, le

Le Ministre Secrétaire d'Etat au Département de la Marine et des Colonies.

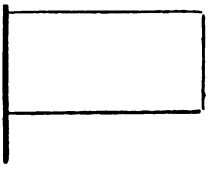
Signaux particuliers qui devront être employés par les bâtimens de guerre Français et Anglais, auxquels auront été données des Instructions en conséquence du Traité conclu le 30 *Novembre*, 1831, *pour la suppression de la Traite des Noirs.*

Secret.

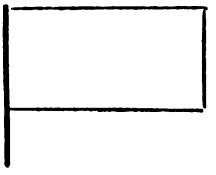
Le bâtiment qui fera le premier signal, devra hisser le pavillon ci-dessous à la tête du mât de misaine.



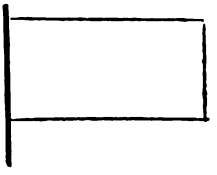
Le bâtiment auquel le signal aura été fait, y répondra en hissant le pavillon ci-après à la tête du grand mât.



Le bâtiment qui aura fait le premier signal, devra hisser le pavillon suivant à la tête du grand mât.



Le second bâtiment répondra en hissant le pavillon ci-dessous à la tête du mât de misaine.



Article II. Il est convenu, relativement à l'Article III de la Convention du 30 Novembre, 1831, ci-dessus transcrite, que Sa Majesté le Roi de Sardaigne fixera suivant sa convenance, le nombre des croiseurs Sardes qui devront être employés au service mentionné dans le dit article, et les stations où ils devront établir leurs croisières.

Article III. Le Gouvernement de Sa Majesté le Roi de Sardaigne fera connaître aux Gouvernemens de la Grande Bretagne et de France, conformément à l'Article IV de la Convention du 30 Novembre, 1831, les bâtimens de guerre Sardes qui devront être employés à la répression de la Traite, afin que les Mandats nécessaires à leur commandans soient délivrés. Les Mandats qui devront être

délivrés par la Sardaigne seront remis après que la notification du nombre des croiseurs Britanniques et Français destinés à être employés, aura été faite au Gouvernement Sarde.

Article IV. Il est convenu, en ce qui concerne l'Article V des Instructions annexées à la Convention Supplémentaire du 22 Mars, 1833, que tous les navires Sardes, ou portant le pavillon de Sardaigne, qui pourront être arrêtés, en exécution des Conventions ci-dessus transcrites, par les croiseurs de Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, ou de Sa Majesté le Roi des Français, employés dans les stations d'Amérique, d'Afrique, et de Madagascar, seront conduits et remis dans le port de Gênes.

Article V. Le présent Traité sera ratifié, et les ratifications en seront échangées à Turin dans le délai de trois mois, ou plus tôt s'il est possible.

En foi de quoi les Plénipotentiaires sus-dénommés ont signé la présente Convention en trois originaux, et y ont apposé le cachet de leurs armes.

Fait à Turin, le 8 Août, 1834.

Aug. J. Foster.	Barante.	De La Tour.
(L.S.)	(L.S.)	(L.S.)

Translation.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, having concluded on the 30th of November, 1831, and the 22nd of March, 1833, two Conventions intended to ensure the complete suppression of the Slave Trade; the High Contracting Parties, conformably to the 9th Article of the first of these Conventions, which states that the other maritime Powers shall be invited to accede to it, have addressed this invitation to His Majesty the King of Sardinia.

And His said Majesty, animated with the same sentiments, and earnest to concur with his two august allies in the same humane object, having without hesitation assented to their proposal, the three High Powers, with the view of accomplishing this generous design, and of giving due

authenticity and all accustomed solemnity to the accession of His Sardinian Majesty, and to the acceptance thereof by His Britannic Majesty, and by His Majesty the King of the French, have resolved to conclude to this effect a formal Convention, and have in consequence named for their Plenipotentiaries, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Augustus John Foster, a Baronet of the United Kingdom, a Member of His Britannic Majesty's Most Honourable Privy Council, and His Envoy Extraordinary and Minister Plenipotentiary at the Court of Turin;—

His Majesty the King of the French, M. Amable Guillaume Prosper Brugière, Baron de Barante, a Peer of France, a Councillor of State, Officer of the Royal Order of the Legion of Honour, Ambassador of His Majesty the King of the French at the Court of Turin;—

And His Majesty the King of Sardinia, the Count Victor Sallier de la Tour, Marquis de Cordon, Knight of the Supreme Order of the Most Holy Annunciade, Grand Cordon of the Order of St. Maurice and St. Lazarus, Commander of the Military Order, and Knight of the Civil Order of Savoy, Grand Cross of several Foreign Orders, General of Cavalry, Minister and First Secretary of State for the Department of Foreign Affairs:

Who, after having reciprocally exchanged their full powers, found to be in good and due form, have agreed upon the following Articles:—

Article I. His Majesty the King of Sardinia accedes to the Conventions concluded and signed on the 30th of November, 1831, and on the 22nd of March, 1833, between His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, relating to the suppression of the Slave Trade, as well as to their Annexes, excepting the reservations and modifications expressed in the 2nd, 3rd, and 4th Articles hereinafter given, which Articles shall be considered additional to the said Conventions and to their Annexes, and excepting the differences which necessarily result from the situation of His Sardinian Majesty as a party acceding to the Conventions in question after their conclusion. His Majesty the King of the United Kingdom of Great

Britain and Ireland, and His Majesty the King of the French, having accepted the said Accession, all the Articles of these two Conventions, and all the conditions of their Annexes, shall, in consequence, be held to have been concluded and signed, in the same manner as the present Convention, directly between His Majesty the King of the United Kingdom of Great Britain and Ireland, His Majesty the King of the French, and Majesty the King of Sardinia.

Their said Majesties engage and promise reciprocally to fulfil faithfully, excepting the reservations and modifications hereby stipulated for, all the clauses, conditions, and obligations, which result therefrom; and in order to prevent any uncertainty, it has been agreed that the above-mentioned Conventions, as well as their Annexes, shall be inserted here word for word as follows:—

[Here follow the Conventions of November 30, 1831, and March 22, 1833, and the Annex containing the Instructions to Cruizers, which have already been laid before Parliament.]

Instructions authorizing the visit and detention of English merchant vessels engaged in the Slave Trade, or fitted out for it.

Sir,

A Convention was concluded at Paris on the 30th of November, 1831, between France and Great Britain, for the suppression of the Slave Trade. According to the terms of that Convention, cruizers belonging to either of the two countries are to be authorized, under the special Instructions which are therein mentioned, to visit and detain, within the extent of certain limits, merchant vessels of the other nation engaged in the trade, or suspected of being fitted out for such trade. A Supplementary Convention was moreover concluded between the two countries on the 22nd of March, 1833, for the purpose of explaining and developing some of the provisions of the Convention above mentioned; and to this Supplementary Convention were annexed Instructions for the cruizers which are to be employed on the said service.

I have judged it expedient that the vessel under your command should be one of the French cruizers furnished with the said special Instructions.

I herewith transmit to you copies of the principal Convention of the 30th of November, 1831, and of the Instructions thereto annexed, which are above mentioned; and in in consequence, I authorize you, and confer upon you the power, in virtue of the present Order, and of the inclosed Warrant from the Government of His Britannic Majesty, to visit merchant vessels under the English flag, suspected of being engaged in the Slave Trade, within the limits described in the 1st Article of the Convention of the 30th November, 1831, (with the conditional extension which is therein explained,) and to act with regard to such of these vessels as may be engaged in a Traffic of Slaves, or as may be suspected of being fitted out for that traffic, in the manner which is prescribed by those different documents.

I instruct you to conform most strictly to all the provisions and stipulations which are therein contained; and desire that you will be careful to exercise the authority with which you are thus invested, in the mildest manner, and with all the consideration which is due between allied and friendly nations, and to co-operate cordially with the commanders of any English ship of war employed on the same service.

Accept, Sir, the assurances of my perfect consideration.

Given at Paris, the

The Minister Secretary of State for the Marine and Colonies.

Warrant in virtue of which an English ship of war may visit and detain a French merchant vessel engaged in the Slave Trade, or fitted out for it.

In a Convention between France and Great Britain, signed at Paris, November 30, 1831, for the suppression of the Slave Trade, and in a Supplementary Convention relating to the same object, dated the 22nd March, 1833, it was stipulated that certain cruizers should be authorized, conformably with the special Instructions which are therein

mentioned, to visit and detain, within the extent of certain limits, merchant-vessels of the other nation engaged in the Slave Trade, or suspected of being fitted out for that traffic.

Whereas the Government of His Britannic Majesty has judged it expedient that the vessel under your command should be one of the English cruizers furnished with the said special Instructions: and whereas you will, in consequence, receive from the said Government instructions for your guidance in the execution of the said service, I authorize you and confer upon you the power, *in virtue of such Instructions and of the present Warrant*, to visit merchant vessels under the French Flag, suspected of being engaged in the Trade, within the limits described in the 1st Article of the Convention of the 30th November, 1831, with the conditional extension which is therein specified, and to act with regard to such vessels as shall be engaged in the Slave Trade, or as shall be suspected of being fitted out for that traffic, in the manner prescribed in the said Convention, and in the Supplementary Convention, as well as in the Instructions which are thereto annexed.

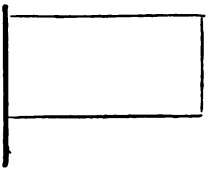
Given at Paris, the

The Minister Secretary of State for the Department of the Marine and Colonies.

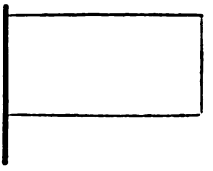
Private signals which are to be employed by the French and English ships of war, which may be furnished with Instructions in consequence of the Treaty concluded on the 30th November, 1831, for the suppression of the Slave Trade.

Secret.

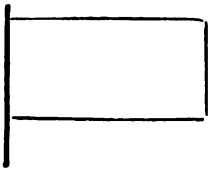
The vessel which shall make the first signal shall hoist the following Flag at the mizen mast head.



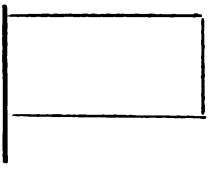
The vessel to which the signal shall have been made, shall reply thereto by hoisting the following Flag at the main mast head.



The vessel which shall have made the first signal shall hoist the following Flag at the main mast head.



The second vessel shall reply by hoisting the following Flag at the mizen mast head.



Article II. It is agreed, with reference to Article III of the Convention of the 30th November, 1831, herein-above transcribed, that His Majesty the King of Sardinia shall fix, according to his convenience, the number of Sardinian cruizers which shall be employed on the service mentioned in the said Article, and the stations on which they shall cruize.

Article III. The Government of His Majesty the King of Sardinia shall make known to the Governments of Great Britrin and of France, conformably to Article IV of the Convention of the 30th November, 1831, the Sardinian

ships of war which are to be employed in the suppression of the Trade, in order that the necessary Warrants for their commanders may be delivered. The Warrants which are to be delivered by Sardinia shall be issued after notification of the number of British and French cruizers intended to be employed, shall have been made to the Sardinian Government.

Article IV. It is agreed, with reference to the 5th Article of the Instructions annexed to the Supplementary Convention of March 22, 1833, that all Sardinian vessels, or vessels bearing the Sardinian flag, which may be detained, in execution of the Conventions herein-above transcribed, by the cruizers of His Majesty the King of the United Kingdom of Great Britain and Ireland, or of His Majesty the King of the French, employed on the stations of America, of Africa, and of Madagascar, shall be carried into, and delivered at, the port of Genoa.

Article V. The present Treaty shall be ratified, and the ratifications shall be exchanged at Turin in the space of three months, or sooner if possible.

In witness whereof the above-named Plenipotentiaries have signed the present Convention in three originals, and have affixed thereto the seal of their arms.

Done at Turin, the 8th of August, 1834.

Aug. J. Foster.	Barante.	De La Tour.
(L.S.)	(L.S.)	(L.S.)

Additional Article.

Whereas by the Fourth Article of the Treaty signed at Turin on the 8th day of August, 1834, whereby the King of Sardinia accedes to the two Conventions concluded between their Majesties the King of the United Kingdom of Great Britain and Ireland, and the King of the French, on the 30th of November, 1831, and on the 22nd of March, 1833, it is stipulated that all vessels under the flag of Sardinia, which, in pursuance of the before-mentioned Treaty and Conventions, may be detained by the cruizers either of His Majesty the King of the United Kingdom of Great Britain and Ireland, or of His Majesty the King of the

French, stationed on the coasts of America, Africa, or Madagascar, shall be carried or sent to Genoa: and whereas the landing of Negroes from such ships at Genoa may be productive of great inconvenience; the undersigned Plenipotentiaries of the Three Powers, parties to the aforesaid Treaty of Accession, being hereunto specially authorized and instructed by their respective Sovereigns, have agreed to the following Additional Article to the before-mentioned Treaty.

ARTICLE. Negroes who shall be found on board vessels under the flag of Sardinia, which may be so detained, and which, according to the stipulations of the said Treaty, are to be sent to Genoa, shall be landed at some port nearer than Genoa to the place where such Slave-vessels may be found.

That is to say:

1°. If such Sardinian vessel shall be detained by an English cruizer, the Negroes found on board such vessel shall be landed at that port or place, to which an English Slave-vessel found and detained under similar circumstances, and at the same place, by a French cruizer, would, under the aforesaid Conventions with France, be sent or taken.

2°. If such Sardinian vessel shall be detained by a French cruizer, the Negroes found on board such vessel shall be landed at that port or place, to which a French Slave-vessel found and detained under similar circumstances, and at the same place, by an English cruizer, would, under the aforesaid Conventions with France, be sent or taken.

3°. If such Sardinian vessel shall be detained by a Sardinian cruizer, the Negroes found on board shall be landed at the nearest of those ports or places, English or French, to which, under the aforesaid Conventions with France, the vessel having such Slaves on board, would have been taken or sent, if such vessel had been either English or French, instead of being Sardinian, and if she had been detained by an English or by a French cruizer.

The present Additional Article shall have the same force and effect as if it had been inserted word for word in the before-mentioned Treaty of Accession signed at Turin on the 8th of August last.

It shall be ratified by each of the High Contracting Parties, and the ratifications shall be exchanged at Turin within the space of six months.

In faith of which, we, the undersigned Plenipotentiaries, have caused three copies of this Additional Article to be made perfectly conformable to each other, have signed them with our hands, and have thereunto affixed the seal of our arms.

Done at Turin, this 8th day of December, 1834.

(L.S.) HENRY EDWARD FOX.
(L.S.) BARANTE.
(L.S.) DE LA TOUR.

ARTICLE ADDITIONNEL.

Attendu que par l'Article IV du Traité signé à Turin le 8 d'Août, 1834, par lequel Sa Majesté le Roi de Sardaigne accède aux deux Conventions conclues entre leurs Majestés le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et le Roi des Français, le 30 Novembre, 1831, et le 22 Mars, 1833, il est stipulé que tous navires sous pavillon Sarde, qui, en vertu du Traité et des Conventions susmentionnés, seraient arrêtés par les croiseurs de Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, ou de Sa Majesté le Roi des Français, stationnés sur les côtes de l'Amérique, de l'Afrique, ou de Madagascar, seront conduits ou envoyés à Gênes : et attendu que la débarquement à Gênes de Nègres qui se trouveraient à bord de ces bâtimens pourrait entraîner de graves inconvéniens ; les soussignés Plénipotentiaires des trois Puissances signataires du susdit Traité d'Accession, à ce spécialement autorisés, et conformément aux instructions que chacun d'eux a reçues de son Souverain, sont convenus de l'Article suivant Additional au susdit Traité.

ARTICLE. Les Nègres trouvés à bord des bâtimens sous pavillon Sarde qui seraient ainsi arrêtés, et qui, conformément aux stipulations du dit Traité, doivent être envoyés à Gênes, seront débarqués sur un point plus rapproché que Gênes du lieu ou les dits bâtimens Négriers auront été rencontrés.

C'est à dire que :

1°. Si un bâtiment Négrier Sarde est arrêté par un croiseur Anglais, les Nègres trouvés à bord de ce navire seront débarqués au port ou dans l'endoit auquel un bâtiment Négrier Anglais trouvé et arrêté dans des circonstances semblables, et dans le même endroit, par un croiseur Français, serait, d'après les susdites Conventions avec la France, envoyé ou conduit.

2°. Si un bâtiment Négrier Sarde est arrêté par un croiseur Français, les Nègres trouvés à bord du dit navire seront débarqués au port ou dans l'endroit auquel un bâtiment Négrier Français trouvé et arrêté dans des circonstances semblables, et dans le même endroit, par un croiseur Anglais, serait, d'après les susdites Conventions avec la France, envoyé ou conduit.

3°. Si un bâtiment Négrier Sarde est arrêté par un croiseur Sarde, les Nègres trouvés à bord de ce bâtiment seront débarqués au plus rapproché des ports ou lieux de débarquement, Anglais ou Français, auquel, d'après les susdites Conventions avec la France, le navire ayant des Esclaves à bord aurait été conduit ou envoyé, si le dit navire eût été Anglais ou Français au lieu d'être Sarde, et s'il eût été arrêté par un croiseur Anglais ou Français.

Le présent Article Additionnel, après avoir été duement ratifié, aura la même force et le même effet que s'il avait été textuellement inséré dans le susdit Traité d'Accession signé à Turin le 8 Août dernier.

Il sera ratifié par chacune des Hautes Puissances Contractantes, et les ratifications en seront échangées dans l'espace de six mois à Turin.

En foi de quoi nous, Plénipotentiaires soussignés, avons fait faire trois copies du présent Article Additionnel, parfaitement conformes entre elles, les avons signées, et y avons apposé le cachet de nos armes.

Fait à Turin, ce jour huit Décembre, 1834.

(L.S.) Henry Edward Fox.
(L.S.) Barante.
(L.S.) De La Tour.

SPAIN.

TREATY *between His Majesty and the Queen Regent of Spain, during the Minority of Her Daughter, Donna Isabella the Second, Queen of Spain, for the abolition of the Slave Trade.—Signed at Madrid, June* 28, 1835.

[Ratifications exchanged at Madrid, Aug. 27, 1835.]

HIS Majesty the King of the United Kingdom of Great Britain and Ireland, and Her Majesty the Queen Regent of Spain during the minority of her daughter Donna Isabella the Second, Queen of Spain, being desirous of rendering the means taken for abolishing the inhuman Traffic in Slaves more effective, have, in order to obtain this important object, resolved to conclude a new Convention, in the spirit of the Treaty contracted between both Powers on the 23rd of September, 1817, naming respectively for this as their Plenipotentiaries, to wit:—His Britannic Majesty, George Villiers, Esquire, his Envoy Extraordinary and Minister Plenipotentiary at the Court of Madrid; and Her Majesty the Queen Regent of Spain, Don Francisco de Paula Martinez de la Rosa, Knight Grand Cross of the Royal and distinguished Spanish Order of Charles the Third, of that of Christ of Portugal, and of that of Leopold of Belgium: who, having duly communicated to each other their respec tive full powers, and found them in proper form, have agreed upon and concluded the following Articles:—

ARTICLE I. The Slave Trade is hereby again declared, on the part of Spain, to be henceforward totally and finally abolished in all parts of the world.

Article II. Her Majesty the Queen Regent of Spain during the minority of her daughter Donna Isabella the Second, hereby engages, that immediately after the exchange of the ratifications of the present Treaty, and from time to time afterwards, as it may become needful, Her Majesty will take the most effectual measures for preventing the subjects of Her Catholic Majesty from being concerned, and her flag from being used, in carrying on, in any way, the Trade in Slaves; and especially, that within two months after the said exchange, she will promulgate

throughout the dominions of Her Catholic Majesty, a penal law, inflicting a severe punishment on all those Her Catholic Majesty's subjects, who shall, under any pretext whatsoever, take any part whatever in the Traffic in Slaves.

Article III. The captain, master, pilot, and crew of a vessel condemned as good prize by virtue of the stipulations of this Treaty, shall be severely punished according to the laws of the country of which they are subjects: as also the owner of the said condemned vessel, unless he proves that he had no participation in the enterprise.

Article IV. In order more completely to prevent all infringement of the spirit of the present Treaty, the two High Contracting Parties mutually consent that those ships of their royal navies, respectively, which shall be provided with special Instructions for that purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in the Traffic in Slaves, or of having been fitted out for that purpose, or of having, during the voyage on which they are met by the said cruizers, been engaged in the Traffic in Slaves, contrary to the provisions of this Treaty; and that such cruizers may detain, and send or carry away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

In order to fix the reciprocal right of search in such a manner as shall be adapted to the attainment of the object of this Treaty, and at the same time avoid doubts, disputes, and complaints, the said right of search shall be understood in the form and according to the rules following:

Firstly. It shall never be exercised except by vessels of war, authorized expressly for that object, according to the stipulations of this Treaty.

Secondly. In no case shall the right of search be exercised with respect to a vessel of the royal navy of either of the two Powers, but only as regards merchant vessels.

Thirdly. Whenever a merchant vessel is searched by a ship of war, the commander of the said ship shall, in the act of so doing, exhibit to the commander of the merchant vessel the document by which he is duly authorized to that end; and shall deliver to him a certificate, signed by him, stating his rank in the naval service of his country, and the name of the vessel he commands, and which also

declares, that the only object of the search is to ascertain whether the vessel is employed in the Slave Traffic, or if it is fitted up for the said traffic. When the search is made by an officer of the cruizer, who is not the commander, the said officer shall exhibit to the captain of the merchant vessel, a copy of the before-mentioned special orders, signed by the commander of the cruizer; and shall, in like manner, deliver a certificate, signed by him, stating his rank in the royal navy, the name of the commander by whose orders he proceeds to make the search, that of the cruizer in which he sails, and the object of the search, as has been already laid down. If it appears from the search that the papers of the vessel are in regular order, and that it is employed on licit objects, the officer shall enter in the log-book of the vessel, that the search has been made in pursuance of the aforesaid special orders; and the vessel shall be left at liberty to pursue its voyage. The rank of the officer who makes the search must not be less than that of lieutenant of the royal navy, unless the command, either by reason of death or other cause, is at the time held by an officer of inferior rank.

Fourthly. The reciprocal right of search and detention shall not be exercised within the Mediterranean Sea, or within the seas in Europe lying without the Straits of Gibraltar, and which lie to the northward of the thirty-seventh parallel of north latitude, and also within and to the eastward of the meridian of longitude twenty degrees west of Greenwich.

Article V. In order to regulate the mode of carrying the provisions of the preceding Article into execution, it is agreed:

Firstly. That all the ships of the royal navies of the two nations which shall be hereafter employed to prevent the Traffic in Slaves, shall be furnished by their respective Governments with a copy, in the English and Spanish languages, of the present Treaty, of the Instructions for cruizers annexed thereto, marked A, and of the Regulations for the Mixed Courts of Justice annexed thereto, marked B; which Annexes, respectively, shall be considered as integral parts of the Treaty.

Secondly. That each of the High Contracting Parties

shall, from time to time, communicate to the other the names of the several ships furnished with such Instructions, the force of each, and the names of their several commanders. The said commanders ought to hold the rank of captain in the royal navy, or at least of lieutenant: it being nevertheless understood, that the Instructions originally issued to an officer holding the rank of lieutenant of the navy, or other superior rank, shall be sufficient, in case of death or temporary absence of the same, to authorize the officer on whom the command of the vessel has devolved, to made the search, although the said officer may not hold the aforesaid rank in the service.

Thirdly. That if at any time the commander of a cruizer of either of the two nations shall suspect, that any merchant vessel under the escort or convoy of any ship or ships of war of the other nation, carries Slaves on board, or has been engaged in the Traffic in Slaves, or is fitted out for the purpose thereof, the said commander of the cruizer shall communicate his suspicions to the commander of the convoy, who, accompanied by the commander of the cruizer, shall proceed to the search of the suspected vessel; and in case that the suspicions appear well-founded, according to the tenor of this Treaty, then the said vessel shall be conducted or sent to one of the points where the Mixed Courts of Justice are stationed, in order that the just sentence may there be pronounced.

Fourthly. It is further mutually agreed, that the commanders of the ships of the two royal navies, respectively, who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid Instructions.

Article VI. As the two preceding Articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects may incur by the arbitrary and illegal detention of their vessels; it being understood, that this indemnity shall be borne by the Government whose cruizer shall have been guilty of such arbitrary and illegal detention; and that the visit and detention of vessels specified in the Fourth Article of this Treaty, shall only be effected by those British or Spanish ships which may form part of the two royal navies, respectively; and by such of those ships only as are

provided with the special Instructions annexed to the present Treaty, in pursuance of the provisions thereof. The indemnification for the damages of which this Article treats, shall be made within the term of one year, reckoning from the day in which the Mixed Court of Justice pronounces its sentence.

Article VII. In order to bring to adjudication, with as little delay and inconvenience as possible, the vessels which may be detained according to the tenor of the Fourth Article of this Treaty, there shall be established, as soon as may be practicable, two Mixed Courts of Justice, formed of an equal number of individuals of the two nations, and named for this purpose by their respective Sovereigns. These Courts shall reside, the one in a possession belonging to His Britannic Majesty, the other within the territories of Her Catholic Majesty; and at the period of the exchange of the ratifications of the present Treaty, the two Governments shall declare, each for its own dominions, in what place these Courts shall respectively reside.

But each of the two High Contracting Parties reserves to itself the right of changing, at its pleasure, the place of residence of the Court held within its own dominions; provided always, that one of the two Courts shall always be held upon the coast of Africa, and the other in one of the colonial possessions of Her Catholic Majesty.

These Courts, from which there shall be no appeal, shall judge the causes submitted to them according to the provisions of the said Treaty, and according to the Regulations and Instructions which are annexed to the present Treaty, and which are considered an integral part thereof.

Article VIII. It is hereby agreed between the High Contracting Parties, that the Mixed Commissions which are at present established and sitting under the Convention concluded between Great Britain and Spain on the 23rd September, 1817, shall continue to sit; and shall during two months to be reckoned from the exchange of the ratifications of this Treaty, and until the further appointment and definitive establishment of the Mixed Courts of Justice under the present Treaty, adjudge, without appeal, according to the principles and stipulations of the same, and of the several Annexes thereof, the cases of such vessels as

may be sent or brought before them; and any vacancies which may occur in such Mixed Commissions shall be filled up in the same manner in which vacancies of the Mixed Courts of Justice, to be established under the provisions of this Treaty, are to be supplied.

Article IX. In case the commanding officer of any of the ships of the royal navies of Great Britain and Spain, respectively, duly commissioned according to the provisions of the Fourth Article of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby, shall be entitled to demand reparation; and in such case, the Government to which such commanding officer may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may have committed.

Article X. It is hereby further mutually agreed, that every merchant vessel, British or Spanish, which shall be visited by virtue of the present Treaty, may lawfully be detained, and sent or brought before the Mixed Courts of Justice established in pursuance of the provisions thereof, if, in her equipment, there shall be found any of the things hereinafter mentioned, namely:—

1st. Hatches with open gratings, instead of the close hatches which are usual in merchant-vessels.

2nd. Divisions or bulk-heads in the hold or on deck, in greater number than are necessary for vessels engaged in lawful trade.

3rd. Spare planks, fitted for laying down as a second or slave deck.

4th. Shackles, bolts, or handcuffs.

5th. A larger quantity of water in casks or in tanks, than is requisite for the consumption of the crew of the vessel, as a merchant-vessel.

6th. An extraordinary number of water casks, or of other vessels for holding liquid; unless the master shall produce a certificate from the custom-house at the place from which he cleared outwards, stating, that a sufficient security had been given by the owners of such vessel, that

such extra quantity of casks, or of other vessels, should only be used to hold palm oil, or for other purposes of lawful commerce.

7th. A greater quantity of mess-tubs or kids than are requisite for the use of the crew of the vessel, as a merchant-vessel.

8th. A boiler of an unusual size, and larger than requisite for the use of the crew of the vessel, as a merchant vessel; or more than one boiler of the ordinary size.

9th. An extraordinary quantity either of rice, of the flour of Brazil, of manioc or cassada, commonly called farinha of maize, or of Indian corn, beyond what might probably be requisite for the use of the crew; such rice, flour, maize, or Indian corn, not being entered on the manifest as part of the cargo for trade.

Any one or more of these several circumstances, if proved, shall be considered as *primâ facie* evidence of the actual employment of the vessel in the Slave Trade; and the vessel shall, thereupon, be condemned and declared lawful prize, unless satisfactory evidence, upon the part of the master or owners, shall establish that such vessel was, at the time of her detention or capture, employed in some legal pursuit.

Article XI. If any of the things specified in the preceding Article shall be found in any merchant-vessel, neither the master, nor owner, nor any person whatever, interested in her equipment or cargo, shall be entitled to compensation for losses or damages, even though the Mixed Courts of Justice should not pronounce any sentence of condemnation, in consequence of her detention; but the same Tribunal shall be authorized to pay out of the prize fund, if they shall think it in equity required, some sum of money proportionate to the demurrage suffered, and according to the circumstances of the case.

Article XII. It is agreed between the two High Contracting Parties, that in all cases in which a vessel shall be detained under this Treaty, by their respective cruizers, as having been engaged in the Slave Trade, or as having been fitted out for the purposes thereof, and shall consequently be adjudged and condemned by the Mixed Courts of Justice to be established as aforesaid, the said vessel shall, im-

mediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

Article XIII. The Negroes who are found on board of a vessel detained by a cruizer, and condemned by the Mixed Courts of Justice, in conformity with the stipulations of this Treaty, shall be placed at the disposition of the Government whose cruizer has made the capture; but on the understanding that not only they shall be immediately put at liberty and kept free,—the Government to whom they have been delivered guaranteeing the same,—but likewise engaging to afford, from time to time, and whenever demanded by the other High Contracting Party, the fullest information as to the state and condition of such Negroes, with a view of ensuring the due execution of the Treaty in this respect.

For this purpose, the Regulations annexed to this Treaty, *sub literâ* C, as to the treatment of Negroes liberated by sentence of the Mixed Courts of Justice, have been drawn up, and are declared to form an integral part of this Treaty.

The two High Contracting Parties reserve to themselves the right to alter or suspend, by common consent and mutual agreement, but not otherwise, the terms and tenour of such Regulations.

Article XIV. The acts or instruments annexed to this Treaty, and which it is mutually agreed shall form an integral part thereof, are as follows:

A. Instructions for the ships of the royal navies of both nations, destined to prevent the Traffic in Slaves.

B. Regulations for the Mixed Courts of Justice which are to hold their sittings on the coast of Africa, and in one of the colonial possessions of Her Catholic Majesty.

C. Regulations as to the treatment of liberated Negroes.

Article XV. The present Treaty, consisting of fifteen Articles, shall be ratified, and the ratifications thereof exchanged within the space of two months from this date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed in duplicate, two originals, English and Spanish, the present Treaty, and have thereunto affixed the seal of their arms.

Madrid, this twenty-eighth day of June, in the year one thousand eight hundred and thirty-five.

GEORGE VILLIERS. (L.S.)

FRANCISCO MARTINEZ DE LA ROSA. (L.S.)

ANNEX A *to the Treaty between Great Britain and Spain, for the abolition of the Slave Trade, of the twenty-eighth of June,* 1835.

Instructions for the Ships of the British and Spanish Royal Navies, employed to prevent the Traffic in Slaves.

ARTICLE I. The commander of any ship belonging to the royal British or Spanish navy, which shall be furnished with these Instructions, shall have a right to search and detain any British or Spanish merchant-vessel, which shall be actually engaged, or suspected to be engaged in the Slave Trade, or to be fitted out for the purposes thereof, or to have been engaged in the Traffic in Slaves, during the voyage in which she may be met with by such ship of the British or Spanish navy; and such commander shall thereupon bring or send such merchant-vessel, as soon as possible, for judgment, before that one of the two Mixed Courts of Justice, established in virtue of the 7th Article of the said Treaty, which shall be the nearest to the place of detention, or which such commander shall, upon his own responsibility, think can be soonest reached from such place.

Article II. Whenever a ship of either of the royal navies, duly authorized as aforesaid, shall meet a merchant vessel liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of lieutenant in the navies of Great Britain and Spain, respectively; or by the officer who at the time shall be second in command of the ship by which such search is made.

Article III. The commander of any ship of the royal navies, duly authorized as aforesaid, who may detain any

merchant-vessel in pursuance of the tenour of the present Instructions, shall leave on board the vessel so detained, the master, the mate, or boatswain, and two or three, at least of the crew thereof; the whole of the Slaves, if any, and all the cargo. The captor shall, at the time of detention, draw up, in writing, an authentic declaration, which shall exhibit the state in which he found the detained vessel; such declaration to be signed by himself, and to be given in or sent, together with the captured vessel, to the Mixed Court of Justice before which such vessel shall be carried or sent for adjudication. He shall deliver to the master of the detained vessel a signed certificate of the papers seized on board the same, as well as of the number of Slaves found on board at the moment of detention.

In the authenticated declaration which the captor is hereby required to make, as well as in the certificate of the papers seized, he shall insert his own name and surname, the name of the capturing ship, the latitude and longitude of the place where the detention shall have taken place, and the number of Slaves found on board of the vessel at the time of the detention.

The officer in charge of the vessel detained shall, at the time of bringing the vessel's papers into the Mixed Court of Justice, deliver into the Court a paper signed by himself, and verified on oath, stating the changes which have taken place in respect to the vessel, her crew, the Slaves, if any, and her cargo, between the period of her detention and the time of delivering in such paper.

Article IV. The Slaves shall not be disembarked until after the vessel which contains them shall have arrived at the place of adjudication, in order that, in the event of the vessel not being adjudged legal prize, the loss of the proprietors may be more easily repaired; and even after the arrival of the Slaves at such place, they are not to be landed without the permission of the Mixed Court of Justice.

But if urgent reasons, arising from the length of the voyage, from the state of health of the Slaves, or from any other causes, should require that either the whole or a portion of the Negroes should be disembarked before the vessel can arrive at the place at which one of the said Courts is established,

the commander of the capturing ship may take upon himself the responsibility of so disembarking the Negroes, provided that the necessity of the disembarkation, and the causes thereof be stated in a certificate in proper form; and provided that this certificate shall be drawn up and entered at the time on the log-book of the detained vessel.

The undersigned Plenipotentiaries have agreed, in conformity with the Fourteenth Article of the Treaty signed by them on this day, the 28th of June, 1835, that the present Instructions shall be annexed to the said Treaty, and be considered an integral part thereof.

This day, the twenty-eighth of June, in the year one thousand eight hundred and thirty-five.

GEORGE VILLIERS. (L.S.) FRANCISCO MARTINEZ DE LA ROSA. (L.S.)

ANNEX B *to the Treaty between Great Britain and Spain, for the abolition of the Slave Trade, of the 28th of June,* 1835.

Regulations for the Mixed Courts of Justice which are to reside on the Coast of Africa, and in a Colonial Possession of Her Catholic Majesty.

ARTICLE I. The Mixed Courts of Justice to be established under the provisions of the Treaty, of which these Regulations are declared to be an integral part, shall be composed in the following manner:

The two High Contracting Parties shall each of them name a judge and an arbitrator, who shall be authorized to hear and to decide, without appeal, all cases of capture or detention of vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them.

The judges and the arbitrators shall, before they enter upon the duties of their office, respectively make oath before the principal magistrate of the place in which such

Courts, respectively, shall reside, that they will judge fairly and faithfully; that they will have no preference either for the claimant or for the captors; and that they will act in all their decisions in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such Courts a secretary or registrar, who shall be appointed by the Sovereign in whose territories such Court shall reside.

Such secretary or registrar shall register all the acts of such Court; and shall, before he enters upon his office, make oath, before the Court to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the secretary or registrar of the Court to be established on the coast of Africa, shall be paid by His Britannic Majesty; and that of the secretary or registrar of the Court to be established in the colonial possessions of Spain, shall be paid by Her Catholic Majesty.

Each of the two Governments shall defray half of the aggregate amount of the expenses of such Courts.

Article II. The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, Slaves, and cargo, and with the execution of the sentence, and all disbursements occasioned by bringing a vessel to adjudication, shall, in case of condemnation, be defrayed from the funds arising out of the sale of the materials of the vessel, after the vessel shall have been broken up, of the ship's stores, and of such parts of the cargo as shall consist of merchandize. And in case the proceeds arising out of this sale should not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captors, except in the cases specified and otherwise provided for under Article the Eleventh of the Treaty to which these Regulations form an Annex, and under Article the Seventh of these Regulations.

Article III. The Mixed Courts of Justice are to decide

upon the legality of the detention of such vessels as the cruizers of either nation shall, in pursuance of the said Treaty, detain.

These Courts shall adjudge definitively and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these Courts shall take place as summarily as possible; and for this purpose, the Courts are required to decide each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessel shall have been brought into the port where the deciding Court shall reside.

The final sentence shall not, in any case, be delayed beyond the period of two months, whether on account of the absence of witnesses, or for any other cause, except upon the application of any of the parties interested; but in that case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay, the Courts may, at their discretion, grant an additional delay, not exceeding four months.

Either party shall be allowed to employ such counsel as he may think fit, to assist him in the conduct of his cause.

All the acts and essential parts of the proceedings of the said Courts shall be written down in the language of the country in which the Courts shall respectively reside.

Article IV. The form of the process, or mode of proceeding to judgment, shall be as follows:

The judges appointed by the two nations, respectively, shall, in the first place, proceed to examine the papers of the detained vessel, and shall take the depositions of the master or commander, and of two or three, at least, of the principal individuals on board of such vessel; and shall also take the declaration, on oath, of the captor, if it should appear to them necessary to do so, in order to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid Treaty, and in order that, according to this judgment, the vessel may be condemned or released. In the event of the two judges not agreeing as to the sentence which they ought to pronounce, in any case brought before them,

Courts, respectively, shall reside, that they will judge fairly and faithfully; that they will have no preference either for the claimant or for the captors; and that they will act in all their decisions in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such Courts a secretary or registrar, who shall be appointed by the Sovereign in whose territories such Court shall reside.

Such secretary or registrar shall register all the acts of such Court; and shall, before he enters upon his office, make oath, before the Court to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the secretary or registrar of the Court to be established on the coast of Africa, shall be paid by His Britannic Majesty; and that of the secretary or registrar of the Court to be established in the colonial possessions of Spain, shall be paid by Her Catholic Majesty.

Each of the two Governments shall defray half of the aggregate amount of the expenses of such Courts.

Article II. The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, Slaves, and cargo, and with the execution of the sentence, and all disbursements occasioned by bringing a vessel to adjudication, shall, in case of condemnation, be defrayed from the funds arising out of the sale of the materials of the vessel, after the vessel shall have been broken up, of the ship's stores, and of such parts of the cargo as shall consist of merchandize. And in case the proceeds arising out of this sale should not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captors, except in the cases specified and otherwise provided for under Article the Eleventh of the Treaty to which these Regulations form an Annex, and under Article the Seventh of these Regulations.

Article III. The Mixed Courts of Justice are to decide

ment to whom the cruizer which made the capture belongs, to be dealt with according to the regulations and conditions contained in the Annex to this Treaty, *sub literâ* C.

Article VII. The Mixed Courts of Justice shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed, save as mentioned in Article the Eleventh of the Treaty to which these Regulations form an Annex, and in a subsequent part of these Regulations, the Court shall award to the claimant or claimants, or to his or to their lawful attorney or attornies, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention: and it is agreed that the indemnification shall be as follows:

First—In case of total loss, the claimant or claimants shall be indemnified:

A. For the ship, her tackle, equipment, and stores.

B. For all freights due and payable.

C. For the value of the cargo of merchandize, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.

D. For all other regular charges in such case of total loss.

Secondly—In all other cases (save as hereinafter mentioned) not of total loss, the claimant or claimants shall be indemnified:

A. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight, when due or payable.

B. For demurrage when due, according to the Schedule annexed to the present Article.

C. For any deterioration of the cargo.

D. For all premium of insurance on additional risks.

The claimant or claimants shall be entitled to interest at the rate of 5 (five) per cent. per annum on the sum

whether with respect to the legality of the detention, or the liability of the vessel to condemnation, or to the indemnification to be allowed, or as to any other question which may arise out of the said capture; or in case any difference of opinion should arise between them as to the mode of proceeding in the said Court, they shall draw by lot the name of one of the two arbitrators so appointed as aforesaid, which arbitrator, after having considered the proceedings which have taken place, shall consult with the two above-mentioned judges on the case; and the final sentence or decision shall be pronounced conformably to the opinion of the majority of the three.

Article V. If the detained vessel shall be restored by the sentence of the Court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same Court, claim a valuation of the damages which he may have a right to demand. The captor himself, and, in his default, his Government, shall remain responsible for the damages to which the master of such vessel, or the owners either of the vessel or of her cargo, may be pronounced to be entitled.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the above-named Court; it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject.

Article VI. If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be, with the exception of the Slaves who shall have been brought on board for the purposes of commerce; and the said vessel, subject to the regulations in Article 12th of the Treaty of this date, shall, as well as her cargo, be sold by public sale for the profit of the two Governments, subject to the payment of the expenses hereinafter mentioned.

The Slaves shall receive from the Court a certificate of emancipation, and shall be delivered over to the Govern-

ment to whom the cruizer which made the capture belongs, to be dealt with according to the regulations and conditions contained in the Annex to this Treaty, *sub literâ* C.

Article VII. The Mixed Courts of Justice shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed, save as mentioned in Article the Eleventh of the Treaty to which these Regulations form an Annex, and in a subsequent part of these Regulations, the Court shall award to the claimant or claimants, or to his or to their lawful attorney or attornies, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention: and it is agreed that the indemnification shall be as follows:

First—In case of total loss, the claimant or claimants shall be indemnified:

A. For the ship, her tackle, equipment, and stores.

B. For all freights due and payable.

C. For the value of the cargo of merchandize, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.

D. For all other regular charges in such case of total loss.

Secondly—In all other cases (save as hereinafter mentioned) not of total loss, the claimant or claimants shall be indemnified:

A. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight, when due or payable.

B. For demurrage when due, according to the Schedule annexed to the present Article.

C. For any deterioration of the cargo.

D. For all premium of insurance on additional risks.

The claimant or claimants shall be entitled to interest at the rate of 5 (five) per cent. per annum on the sum

awarded, until such sum is paid by the Government to which the capturing ship belongs. The whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be liquidated at the exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the judges of the two nations, and without having recourse to the decision of an arbitrator, that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel, in that case, shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present Article, nor any other compensation for losses, damages, or expenses, consequent upon such detention.

Schedule of demurrage or daily allowance for a vessel of

100	tons to	120	inclusive	£5	Per diem.
121	,,	150	,,	6	
151	,,	170	,,	8	
171	,,	200	,,	10	
201	,,	220	,,	11	
221	,,	250	,,	12	
251	,,	270	,,	14	
271	,,	300	,,	15	

and so on in proportion.

Article VIII. Neither the judges nor the arbitrators, nor the secretaries of the Mixed Courts of Justice shall demand or receive from any of the parties concerned in the cases which shall be brought before such Courts, any emolument or gift, under any pretext whatsoever, for the performance of the duties which such judges, arbitrators, and secretaries have to perform.

Article IX. The two High Contracting Parties have agreed that, in the event of the death, sickness, absence on leave, or any other legal impediment, of one or more of the judges or arbitrators composing the above-mentioned Courts respectively, the post of such judge and of such arbitrator shall be supplied, *ad interim*, in the following manner:—

First—On the part of His Britannic Majesty, and in that Court which shall sit within the possessions of His said Majesty, if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or in the case where the vacancy be originally that of the British arbitrator, the place of such arbitrator shall be filled successively by the governor or lieutenant-governor resident in such possession, by the principal magistrate of the same, and by the secretary of the Government; and the said Court, so constituted as above, shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

Secondly—On the part of Great Britain, and in that Court which shall sit within the possessions of Her Catholic Majesty, if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or in the case where the vacancy be originally that of the British arbitrator, his place shall be filled successively by the British Consul and British Vice-Consul, if there be a British Consul or British Vice-Consul appointed to and resident in such possession; and in the case where the vacancy be both of the British judge and of the British arbitrator, then the vacancy of the British judge shall be filled by the British Consul, and that of the British arbitrator by the British Vice-Consul, if there be a British Consul and British Vice-Consul appointed to and resident in such possession; and if there shall be no British Consul or British Vice-Consul to fill the place of British arbitrator, then the Spanish arbitrator shall be called in, in those cases in which a British arbitrator, were there any, would be called in; and in case the vacancy be both of the British judge and British arbitrator, and there be neither British Consul nor British Vice-Consul to fill, *ad interim*, the vacancies, then the Spanish judge and Spanish arbitrator shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

Thirdly—On the part of Spain, and in that Court which shall sit within the possessions of Her Catholic Majesty, if the vacancy be that of the Spanish judge, his

place shall be filled by the Spanish arbitrator; and either in that case, or in the case where the vacancy be originally that of the Spanish arbitrator, the place of such arbitrator shall be filled successively by the governor or lieutenant-governor resident in such possession, by the principal magistrate of the same, and by the secretary of the Government; and the said Court, so constituted as above, shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

Fourthly—On the part of Spain, and in that Court which shall sit within the possessions of His Britannic Majesty, if the vacancy be that of the Spanish judge, his place shall be filled by the Spanish arbitrator; and either in that case, or in the case where the vacancy be originally that of the Spanish arbitrator, his place shall be filled successively by the Spanish Consul and Spanish Vice-Consul, if there be a Spanish Consul or Spanish Vice-Consul appointed to and resident in such possession: and in the case where the vacancy be both of the Spanish judge and of the Spanish arbitrator, then the vacancy of the judge shall be filled by the Spanish Consul and that of the Spanish arbitrator by the Spanish Vice-Consul, if there be a Spanish Consul and a Spanish Vice-Consul, appointed to and resident in such possession; and in that case in which there be no Spanish Consul or Spanish Vice-Consul to fill the place of the Spanish arbitrator, then the British arbitrator shall be called in, in those cases in which a Spanish arbitrator, were there any, would be called in; and in case the vacancy be both of the Spanish judge and Spanish arbitrator, and there be neither Spanish Consul nor Spanish Vice-Consul to fill, *ad interim*, the vacancies, then the British judge and the British arbitrator shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

The governor or lieutenant-governor of the settlements wherein either of the Mixed Courts of Justice shall sit, in the event of a vacancy arising, either of the judge or the arbitrator of the other High Contracting Party, shall forthwith give notice of the same to the governor or

lieutenant-governor of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period. And each of the High Contracting Parties agrees to supply definitively, as soon as possible, the vacancies which may arise in the above-mentioned Courts from death, or from any other cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with the Fourteenth Article of the Treaty signed by them on this day, the twenty-eighth of June, 1835, that the preceding Regulations, consisting of nine Articles, shall be annexed to the said Treaty, and considered an integral part thereof.

This day, the twenty-eighth of June, in the year one thousand eight hundred and thirty-five.

GEORGE VILLIERS. (L.S.) FRANCISCO MARTINEZ DE LA ROSA. (L.S.)

ANNEX C. *Regulations for the good treatment of liberated Negroes.*

ARTICLE I. The object and spirit of these Regulations is to secure to Negroes liberated by virtue of the stipulations of the Treaty to which these Regulations form an Annex (marked C.), permanent good treatment, and a full and complete emancipation, in conformity with the humane intentions of the High Contracting Parties.

Article II. Immediately after sentence of condemnation on a vessel charged with being concerned in illegal Slave Trade, shall have been passed by the Mixed Court of Justice established under the Treaty to which these Regulations form an Annex, all Negroes who were on board of such vessel, and who were brought on board for the purpose of traffic, shall be delivered over to the Government to whom belongs the cruizer which made the capture.

Article III. If the cruizer which made the capture is

English, the British Government engages that the Negroes shall be treated in exact conformity with the laws in force in the British colonies for the regulation of free apprenticed Negroes.

Article IV. If the cruizer which made the capture is Spanish, in this case the Negroes shall be delivered over to the Spanish authorities of the Havana, or of any other point of the dominions of the Queen of Spain, in which the Mixed Court of Justice is established; and the Spanish Government solemnly engages, that they shall be there treated strictly according to the regulations lately promulgated, and now actually in force at the Havana, with respect to the treatment of emancipated Negroes; or according to such regulations as may in future be adopted, and which have, and shall always have, the humane object of improving and securing honestly and faithfully to the emancipated Negroes, the enjoyment of their acquired liberty, good treatment, a knowledge of the tenets of the Christian religion, their advancement in morality and civilization, and their sufficient instruction in the mechanical arts; in order that the said emancipated Negroes may be put in a condition to earn their subsistence, whether as artisans, mechanics, or servants.

Article V. For the purpose which is explained in Article VI, there shall be kept in the office of the captain-general or governor of the part of the dominions of the Queen of Spain where the Mixed Court of Justice resides, a register of all the emancipated Negroes, in which shall be entered, with scrupulous exactness, the names given to the Negroes, the names of the vessels in which they were captured, the names of the persons to whose care they have been committed, and any other circumstances likely to contribute to the end in view.

Article VI. The register to which the preceding Article refers, will serve to form a general return, which the governor or captain-general of the part of the dominions of the Queen of Spain where the Mixed Court of Justice resides, shall be bound to deliver, every six months, to the aforesaid Mixed Commission, in order to show the existence of the Negroes emancipated under this Treaty, the decease of such as have died, the improvement in their condition, and

the progress made in their instruction, both religious and moral, as also in the arts of life.

Article VII. As the principal object of the Treaty, of which the present Annex forms an integral part, is no other than that of improving the condition of these unhappy victims of avarice, the High Contracting Parties, animated with the same sentiments of humanity, agree, that if, in future, it should appear necessary to adopt new measures for obtaining the same benevolent end, in consequence of those laid down in this Annex turning out inefficacious, the said High Contracting Parties will consult together and agree upon other means better adapted for the complete attainment of the object proposed.

Article VIII. The undersigned Plenipotentiaries have agreed, in conformity with the Fourteenth Article of the Treaty signed by them on this day, the twenty-eighth of June, 1835, that this Annex, consisting of eight Articles, shall be united to the said Treaty, and be considered an integral part thereof.—This day, the twenty-eighth of June, in the year one thousand eight hundred and thirty-five.

GEORGE VILLIERS. (L.S.)

FRANCISCO MARTINEZ DE LA ROSA. (L.S.)

SU Majestad la Reina Gobernadora y Regente de España durante la minoridad de su hija Doña Isabel Segunda, Reina de España, y Su Majestad el Rey del Reino Unido de la Gran Bretaña é Irlanda, deseando hacer mas eficaces los medios de abolir el inhumano Trafico de Esclavos, han juzgado conveniente concluir un nuevo Convenio para conseguir tan importante objeto, segun el espíritu del Tratado celebrado entre ambas Potencias en 23 de Setiembre, de 1817, nombrando respectivamente para este fin por Plenipotenciarios, á saber:—Su Majestad la Reina Gobernadora y Regente de España, á Don Francisco de Paula Martinez de la Rosa, Caballero Gran Cruz de la Real y distinguida Orden Española de Carlos Tercero, de la de Cristo de Portugal, y de la de Leopoldo de Bélgica; y Su Majestad el Rey del Reino Unido de la Gran Bretaña

é Irlanda, al Caballero Jorge Villiers, su Enviado Extraordinario y Minstro Plenipotenciario en la Corte de Madrid: los cuales, despues de haberse manifestado sus respectivos plenos poderes, y hallándolos en buena y debida forma, han acordado y concluido los Artículos siguientes:—

Artículo I. Por el presente Artículo se declara nuevamente, por parte de España, que el Tráfico de Esclavos queda de hoy en adelante total y finalmente abolido en todas las partes del mundo.

Artículo II. Su Majestad la Reina Gobernadora y Regente de España durante la minoridad de su hija Doña Isabel Segunda, se obliga á adoptar, tan luego como se verifique el cange de las ratificaciones del presente Tratado, y despues de tiempo en tiempo, segun la necesidad lo requiera, las medidas mas eficaces para impedir que los subditos de Su Majestad Católica y su pabellon se empleen, de modo alguno, en el Tráfico de Esclavos; y especialmente se obliga Su Majestad Católica á promulgar en todos sus dominios, dos meses despues del mencionado cange, una ley penal que imponga un castigo severo á todos sus subditos, que, bajo cualquier pretexto, tomen parte, sea la que fuere, en el Tráfico de Esclavos.

Artículo III. El capitan, maestre, piloto, y tripulacion de un buque condenado como buena presa, en virtud de las estipulaciones de este Tratado, serán castigados severamente, con arreglo á la legislacion del pais de que fueren subditos: é igualmente lo será el propietario de dicho buque condenado, á menos que pruebe no haber tenido parte en la empresa.

Artículo IV. Con el fin de impedir completamente toda infraccion al espíritu del presente Tratado, las dos Altas Partes Contratantes consienten mutuamente en que los buques de su respectiva real armada, á los que se proveerá, segun mas adelante se menciona, con Instrucciones especiales al efecto, puedan registrar aquellos buques mercantes de ambas naciones, que, por motivos fundados, puedan ser sospechados de que se ocupan en el Tráfico de Esclavos, ó de que han sido equipados con dicho intento, ó de que, durante el viage en el que se encuentren con los mencionados cruceros, se han empleado en el Tráfico de Esclavos, contraviniendo á lo que en el presente Tratado

se estipula; y consienten tambien ambas Partes Contratantes en que los referidos cruceros puedan detener á dichos buques, y enviarlos ó conducirlos para ser juzgados del modo que mas abajo se dispone.

Para fijar este derecho recíproco de registro de tal modo que sea á propósito para conseguir el objeto de este Tratado, sin dar lugar á dudas, controversias y reclamaciones, se entenderá el expresado derecho en la forma y bajo las reglas siguientes:

Primera—Nunca podrá ejercerse sino por buques de guerra autorizados expresamente al efecto, segun se estipula en este Tratado.

Segunda—En ningun caso podrá ejercerse el derecho de registro respecto de un buque de la marina real de una ú otra nacion, sino meramente respecto de los buques mercantes.

Tercera—Siempre que un barco mercante sea registrado por un buque de guerra, deberá el comandante de este presentar en el acto al comandante del barco mercante, el documento que acredite estar competentemente autorizado al efecto, y le entregará un certificado, firmado por él, que indique su graduacion en la real armada de su pais, y el nombre del buque que manda, y que compruebe que el único objeto del registro es asegurarse de si el barco se ocupa en el Comercio de Esclavos, ó si está armado para este tráfico. Cuando el registro deba hacerse por un oficial del crucero que no sea su comandante, dicho oficial exhibirá al capitan del buque mercante una copia de las ordenes especiales ya mencionadas, firmada por el comandante del crucero, y le entregará tambien un certificado, firmado por él, que indique la graduacion que tenga en la armada, el nombre del comandante que le mandó proceder al registro, el del crucero en que navegare, y el objeto del registro, segun se ha expresado ya. Si constare por el registro que los papeles del buque están en regla, y que sus operaciones son licitas, el oficial expresará en el diario de la embarcacion que el registro se ha verificado en virtud de las órdenes especiales precitadas, y el buque quedará en libertad de continuar su viage. La graduacion del oficial que haga el registro no deberá ser inferior á la de teniente de la real armada; á no ser que por muerte ú otra causa

haya recaido el mando en un oficial de graduacion inferior.

Cuarto—El derecho reciproco de registro y detencion no podrá ejercerse en el Mar Mediterraneo, ni en los mares de Europa que se hallan fuera del Estrecho de Gibraltar, y que se estienden al norte del paralelo 37° de latitud septentrional, y á la parte oriental del meridiano situado á veinte grados oeste del de Greenwich.

Artículo V. Para arreglar el modo de poner en ejecucion las disposiciones del Artículo que precede, se estipula:

Primero—Que á todos los buques de la marina real de ambas naciones que en lo sucesivo se empleen en impedir el Tráfico de Esclavos, se les suministrarán por sus respectivos Gobiernos copia de este Tratado en lengua Española é Inglesa, de las Instrucciones para los cruceros á el anexas, y señaladas con la letra A, y de los Reglamentos que han de servir de guia á los Tribunales Mixtos de Justicia, que son anexos tambien bajo la letra B; debiendo ambos documentos considerarse como parte integrante de este Tratado.

Segundo—Que cada una de las Altas Partes Contratantes se comunicarán en lo sucesivo, de tiempo en tiempo, los nombres de los varios buques provistos con las Instrucciones susodichas, la fuerza de cada uno, y los nombres de sus comandantes, los cuales deberán tener el grado de capitanes de navio ó de fragata, ó cuando menos el de tenientes. Queda no obstante entendido, que las instrucciones dadas originariamente á un oficial revestido de la graduacion de teniente de navio, ó de otra superior, serán suficientes, en caso de fallecimiento ó ausencia temporal del mismo, para autorizar al registro al oficial en quien recaiga el mando del buque, aun cuando no tenga en el servicio la expresada graduacion.

Tercero—Cuando el comandante de un crucero de una de ambas naciones tenga sospechas de que alguno ó algunos de los buques que naveguen bajo la escolta ó convoy de un buque de guerra de la otra nacion, lleva Esclavos á bordo, ó se ha ocupado en este tráfico prohibido, ó está equipado para él, comunicará sus sospechas al comandante del convoy, quien, acompañado por el comandante del crucero, procederá al registro del buque sospechoso; y en caso de

que aparezcan fundados los motivos de estas sospechas, con arreglo al tenor de este Tratado, dicho barco será conducido ó enviado á uno de los puntos donde residan los Tribunales Mixtos, para que alli recaiga el competente fallo.

Cuarto—Tambien queda mutuamente concertado, que los comandantes de los respectivos buques de guerra de ambas Potencias, que se empleen en este servicio, deberán atenerse estrictamente al exacto tenor de las Instrucciones arriba mencionadas.

Artículo VI. Como los dos Artículos que preceden son enteramente recíprocos, las dos Altas Partes Contratantes se obligan mutuamente á abonar las pérdidas que sus respectivos subditos puedan experimentar por la detencion arbitraria é ilegal de sus buques; en la inteligencia de que la indemnizacion será satisfecha por el Gobierno, cuyo crucero haya incurrido en dicha arbitraria y ilegal detencion; y que el registro y detencion de los buques especificados en el Artículo Cuarto de este Tratado, solo se verificarán por los buques Españoles é Ingleses que formen parte de la real armada respectiva de ambas Potencias; y solo por aquellos de estos buques que vayan provistas de las Instrucciones especiales anexas á este Tratado, con arreglo á lo que en él se estipula. El resarcimiento de perjuicios de que trata este Artículo, habrá de verificarse dentro del término de un año, contado desde el dia en que la Comision Mixta haya pronunciado su fallo.

Artículo VII. Para proceder con el menor retardo y perjuicio posible á la adjudicacion de los buques que sean detenidos, con arreglo al tenor del Artículo Cuarto de este Tratado, se establecerán, tan luego como sea practicable, dos Tribunales Mixtos de Justicia, formados de un número igual de individuos de ambas naciones, nombrados á este fin por sus respectivos Soberanos. De estos Tribunales, uno residirá en territorio perteneciente á Su Majestad Británica, y otro en las posesiones de Su Majestad Católica; debiendo declarar cada uno de los dos Gobiernos, al efectuarse el cange de las ratificaciones del presente Tratado, en que parage de sus respectivos dominios han de residir estos Tribunales.

Pero cada una de las dos Altas Partes Contratantes se

reserva el derecho de variar, cuando le plazca, el lugar de la residencia del Tribunal que se halle en ejercicio en sus dominios; con tal, sin embargo, que uno de los dos Tribunales resida en la costa de Africa, y el otro en una de las posesiones coloniales de Su Majestad Católica.

Estos Tribunales, cuyas sentencias serán sin apelacion, juzgarán las causas que se les sometan, con arreglo á las estipulaciones del presente Tratado, y de conformidad con los Reglamentos é Instrucciones que son anexas á él, y se considerán parte integrante del mismo.

Artículo VIII. Las Altas Partes Contratantes convienen en que las Comisiones Mixtas que se hallan en la actualidad establecidas y en ejercicio, con arreglo al Convenio concluido entre la Gran Bretaña y España el 23 de Setiembre de 1817, continuarán en sus funciones; y que, durante dos meses contados desde el cange de las ratificaciones de este Tratado, y hasta que se nombren y establezcan definitivamente los Tribunales Mixtos de Justicia que se mencionan en este Tratado, sentenciarán sin apelacion, y arreglándose á los principios y estipulaciones del mismo, y de los documentos á él anexos, los casos de los buques que se les envien ó conduzcan; debiendo llenarse las vacantes que en dichas Comisiones Mixtas ocurran, del mismo modo que se suplirán las vacantes de los Tribunales Mixtos de Justicia que se establecen por el presente Tratado.

Artículo IX. Si el oficial comandante de cualquiera de los buques de la real armada respectiva de España y de la Gran Bretaña, debidamente comisionado segun lo que en el Artículo Cuarto de este Tratado se estipula, se desviase de algun modo de las estipulaciones del mismo, ó de las Instrucciones á él anexas, el Gobierno que se juzgue agraviado tendrá derecho á pedir satisfaccion; y en tal caso, el Gobierno á que dicho oficial comandante pertenezca, se obliga á mandar hacer indagacion del hecho que motive la queja, y á imponer al mencionado oficial una pena proporcionada á la transgresion voluntaria que haya cometido.

Artículo X. Queda ademas mutuamente convenido, que todo buque mercante Inglés ó Español que sea registrado en virtud del presente Tratado, pueda ser legalmente detenido, y enviado ó conducido ante los Tribunales Mixtos de Justicia establecidos por las estipulaciones del mismo,

si en su equipo se encuentran algunos de los enseres siguientes:

1°. Escotillas con redes abiertas, en lugar de las escotillas cerradas que se usan en los buques mercantes.

2°. Separaciones ó divisiones en la bogeda ó sobre cubierta en mayor número que el necesario para los buques destinados al tráfico legal.

3°. Tablones de repuesto ó postizos, preparados para formar una segunda cubierta, ó entrepuente para Esclavos.

4°. Cadenas, grillos, y manillas.

5°. Una cantidad de agua en visijas ó cubas, mayor que la necesaria para el consumo de la tripulacion del buque registrado, en su calidad de buque mercante.

6°. Un numero extraordinario de barriles de agua, ó de otras vasijas para contener líquidos, á menos que el capitan no exhiba un certificado de la aduana del parage de donde haya partido, afirmando que se han dado por los propietarios de diche buque suficientes seguridades de que la mencionada superabundante cantidad de barriles y vasijas será tan solo empleada para contener aceite de palma, ú otros objetos de lícito comercio.

7°. Una cantidad de calderas de rancho ó vasijas mayor de la que se requiere para el uso de la tripulacion del buque registrado, en su calidad de buque mercante.

8°. Una caldera de un tamaño extraordinario, y de magnitud mayor que la que se requiere para el uso de la tripulacion del buque registrado, en su calidad de buque mercante; ó mas de una caldera de tamaño ordinario.

9°. Una cantidad extraordinaria de arroz, de harina del Brasil, de manioco ó casada, vulgarmente llamado harina de maiz, y superior á la que probablemente se requiere para el uso de la tripulacion; siempre que el arroz, harina ó maiz, no se designen en el manifiesto como parte del cargamento para negociar.

Alguna ó algunas de estas circunstancias que se prueben, se considerarán como indicios *primâ facie* de que el buque se ocupa en el Comercio de Negros, y servirá para condenarle y declararle buena presa, á menos que el capitan ó los dueños del buque prueben satisfactoriamente que dicho buque se hallaba empleado, al tiempo de su detencion, en alguna especulacion legal.

Artículo XI. Si se hallare á bordo de un buque mercante alguno ó algunos de los objetos especificados en el Artículo anterior, ni el capitan, ni el propietario, ni persona alguna interesada en el equipo ó cargamento del buque, tendrá derecho á reclamar daños y perjuicios, aun cuando el Tribunal Mixto no lo haya condenado; pero el mismo Tribunal estará autorizado á abornarle del fondo de presas, y conforme á lo que dictare la equidad, segun el caso y las circunstancias, alguna cantidad proporcionada en razon de estadias.

Artículo XII. Las dos Altas Partes Contratantes han convenido en que siempre que, en virtud de este Tratado, se detenga un buque por sus respectivos cruceros, bien por haberse empleado en el Tráfico de Esclavos, ó bien por hallarse equipado para dicho objeto, y que en consecuencia sea juzgado y condenado por los Tribunales Mixtos de Justicia que han de establecerse segun queda estipulado, dicho buque será hecho pedazos inmediatamente despues de condenado, y se procederá á su venta por trozos separados.

Artículo XIII. Los Negros que se hallaren á bordo de un buque detenido por un crucero, y condenado por la Comision Mixta, con arreglo á lo dispuesto en este Tratado, quedarán á disposicion del Gobierno, cuyo crucero haya hecho la presa; pero en la inteligencia de que no solo habrán de ponerse inmediatamente en libertad y conservarse en ella,—saliendo de ello garante el Gobierno á que hayan sido entregados,—sino que deberá este suministrar las noticias y datos mas cabales acerca del estado y condicion de dichos Negros, siempre que sea requerido por la otra Parte Contratante, con el fin de asegurarse de la fiel ejecucion del Tratado bajo este respecto.

Con el propio fin se ha extendido el Reglamento anexo á este Tratado, bajo la letra C, concerniente al trato de los Negros emancipados en virtud de sentencia de los Tribunales Mixtos de Justicia; quedando declarado que dicho Reglamento forma parte integrante de este Tratado.

Las dos Altas Partes Contratantes se reservan el derecho de alterar ó suspender, por comun acuerdo y mútuo consentimiento, pero no de otro modo, los términos y el tenor del mencionado Reglamento.

Artículo XIV. Los actos ó instrumentos anexos al

presente Tratado, y que, segun se ha convenido mutuamente deberán formar parte integrante de él, son los siguientes:

A. Instrucciones para los buques de las reales armadas de ambas naciones, destinados á impedir el Tráfico de Esclavos.

B. Reglamento para los Tribunales Mixtos de Justicia, que han de celebrar sus sesiones en la costa de Africa, y en una de las posesiones coloniales de Su Majestad Católica.

C. Reglamento sobre el modo de tratar á los Negros emancipados.

Artículo XV. El presente Tratado, que consta de quince Artículos, será ratificado, y las ratificaciones de él serán cangeadas en el término de dos meses, contados desde el dia de la fecha, ó antes si fuere posible.

En testimonio de lo cual, los respectivos Plenipotenciarios han firmado por duplicado dos ejemplares del presente Tratado original, en Español y en Inglés, y los han sellado con el sello de sus armas.

Madrid, veinte y ocho de Junio, de mil ochocientos treinta y cinco.

GEORGE VILLIERS. (L.S.)

FRANCISCO MARTINEZ DE LA ROSA. (L.S.)

ANEXO A *al Tratado entre la Gran Bretaña y España, para la abolicion del Tráfico de Esclavos, de veinte y ocho de Junio de* 1835.

Instrucciones para los Buques de las Reales Armadas de Inglaterra y de España, destinados á impedir el Tráfico de Esclavos.

ARTICULO I. El comandante de un buque perteneciente á la real armada Inglesa ó Española, que se halle provisto de estas Instrucciones, tendrá derecho de registrar y detener cualquiera embarcacion mercante Inglesa ó Española, que se esté ocupando ó sea sospechada de estarse ocupando, en el Tráfico de Esclavos, ó que está equipada con dicho objeto, ó se haya empleado en el Tráfico de Esclavos durante el viage en que haya sido encontrada por dicha em-

barcacion de la real armada Inglesa ó Española; y el mencionado comandante conducirá, en consecuencia, ó enviará, la expresada embarcacion mercante lo mas pronto posible, para que sea juzgada, ante uno de los Tribunales Mixtos de Justicia, establecidos en virtud del Artículo 7° de dicho Tratado, y que se halle mas inmediato al sitio donde se ha verificado la detencion; ó al que el mencionado comandante crea, bajo su responsabilidad, que puede arribarse mas pronto desde el sitio donde se ha efectuado la detencion.

Artículo II. Cuando un buque de cualquiera de ambas marinas reales, debidamente autorizado del modo que arriba se expresa, encuentre una embarcacion mercante sugeta al registro, con arreglo á las estipulaciones del mencionado Tratado, este registro se verificará con la mayor mansedumbre, y con todos los miramientos que deben observarse entre naciones aliadas y amigas; y dicho registro se practicará, en todos casos, por un oficial revestido al menos de la graduacion de teniente de la real armada respectiva de la Gran Bretaña ó de España; ó por el oficial que, á la sazon, sea el segundo comandante del buque que haga el registro.

Artículo III. El comandante de cualquier buque de la real armada, debidamente autorizado segun arriba se expresa, que, ateniendose al tenor de estas Instrucciones, detenga una embarcacion mercante, dejará á bordo de ella al capitan, piloto, ó contramaestre, y á dos ó tres, á lo menos, de su tripulacion; todos los Esclavos, si se hallasen algunos; y todo al cargamento. El aprehensor extenderá, al verificar la aprehension, una declaracion escrita, en la que se manifieste el estado en que halló á la embarcacion detenida; y esta declaracion, firmada por él mismo, será entregada ó remitida, con el buque apresado, al Tribunal Mixto de Justicia, ante el cual dicha embarcacion sea conducida ó enviada para ser juzgada. El aprehensor entregará ademas al capitan de la embarcacion detenida, un certificado firmado, y expresivo de los papeles encontrados á bordo de la misma, y del número de Esclavos que en ella se hallaron en el momento de la aprehension..

En la declaracion auténtica que el aprehensor queda por el presente obligado á hacer, é igualmente en el certificado que deberá dar de los papeles aprehendidos, insertará su nombre y apellido, el nombre del buque aprehensor, la

latitud y longitud del parage donde se haya efectuado la aprehension, y el número de Esclavos hallados á bordo de la embarcacion en el momento de la captura.

El oficial encargado de conducir la embarcacion aprehendida, entregará al Tribunal Mixto de Justicia, al tiempo de presentarle los papeles de aquella, un documento ó testimonio firmado por él, en el que exprese, bajo juramento, las variaciones que hayan ocurrido respecto al buque, á su tripulacion, á los Esclavos, si se hubiesen hallado algunos, y al cargamento, en el tiempo trascurrido desde la detencion de dicha embarcacion hasta el dia de la entrega de dicho documento ó testimonio.

Artículo IV. Los Esclavos no se desembarcarán hasta tanto que la embarcacion que los conduzca haya llegado al lugar donde haya de ser juzgada, á fin de que, si sucediese que la embarcacion no fuese declarada buena presa, puedan resarcirse mas facilmente las pérdidas de los propietarios; y aun despues de la llegada de los Esclavos al mencionado lugar, no serán estos desembarcados, sin que proceda al efecto la licencia del Tribunal Mixto de Justicia.

Pero si motivos urgentes, originados bien sea por la prolongacion del viage, bien por el estado de la salud de los Esclavos, ó per otras causas, exigiesen que todos los Negros, ó parte de ellos, sean desembarcados antes de que la embarcacion llegue al lugar en donde esté establecido uno de los Tribunales mencionados, el comandante del buque aprehensor podrá tomar sobre si la responsabilidad de desembarcar los Negros, con tal que la necesidad y causas de este desembarco se expresen en un certificado en debida forma, y con tal que este certificado se extienda y se copie, llegado que sea el caso, en el libro de navegacion del buque aprehendido.

Los infrascriptos Plenipotenciarios han convenido, de conformidad con lo prevenido en el Artículo 14 de este Tratado firmado por ellos el dia de hoy, veinte y ocho de Junio de 1835, que las presentes Instrucciones correrán anexas á dicho Tratado, y serán consideradas como parte integrante de él.

Hoy veinte y ocho de Junio de 1835.

GEORGE VILLIERS. (L.S.) FRANCISCO MARTINEZ DE LA ROSA. (L.S.)

ANEXO B *al Tratado entre la Gran Bretaña y España, para la abolicion del Tráfico de Esclavos, del veinte y ocho de Junio, de* 1835.

Reglamento para los Tribunales Mixtos de Justicia que han de residir en la Costa de Africa, y en una de las Posesiones Coloniales de Su Majestad Católica.

ARTICULO I. Los Tribunales Mixtos de Justicia que se han de establecer, en virtud de las estipulaciones del Tratado del cual este Reglamento es declarado formar parte integrante, se compondrán de la manera siguiente:

Cada una de las dos Altas Partes Contratantes nombrará un juez y un arbitro autorizados para examinar y sentenciar, sin apelacion, todos los casos de captura ó detencion de buques que sean conducidos ante ellos, con arreglo á las estipulaciones del susodicho Tratado.

Estos jueces y arbitros antes de entrar en el egercicio de sus funciones, se obligarán respectivamente por juramento, que prestarán ante el magistrado superior del lugar en donde los Tribunales residan, respectivamente, á juzgar leal y fielmente, á no mostrar parcialidad ni á favor de los aprehendidos ni de los aprehensores, y á observar en todas sus sentencias las estipulaciones del Tratado arriba citado.

A cada uno de los Tribunales Mixtos se agregará un secretario ó actuario, nombrado por el Soberano en cuyo territorio resida el referido Tribunal.

Este secretario ó actuario extenderá los procedimientos judiciales del Tribunal; y antes de entrar en el egercicio de sus funciones, prestará juramento ante el Tribunal á que sea agregado, de conducirse con el debida respeto á la autoridad del mismo, y de obrar fiel é imparcialmente en todo cuanto se refiera al cargo que le está confiado.

El sueldo del secretario ó actuario del Tribunal que se establezca en la costa de Africa, será pagado por Su Majestad Británica; y el del secretario ó actuario del Tribunal que se establezca en las posesiones coloniales de España, por Su Majestad Católica.

Cada uno de los dos Gobiernos satisfará la mitad del importe reunido de los gastos de los expresados Tribunales Mixtos.

Artículo II. Los gastos hechos por el oficial encargado de recibir, mantener, y cuidar del buque capturado, sus Esclavos, y cargamento, y de la egecucion de la sentencia, y todos los desembolsos ocasionados para conducir una embarcacion á ser juzgada, serán satisfechos, en el caso de que sea condenada, de los fondos producidos por la venta del material de la embarcacion, despues que esta haya sido hecha pedazos, de los enseres de la embarcacion, y de la parte de su cargamento que consista en mercancias. En el caso de que los productos de esta venta no sean suficientes para satisfacer los mencionados gastos, se abonará el deficit por el Gobierno del pais en cuyo territorio se haya hecho la adjudicacion del buque.

Si la embarcacion aprehendida fuere declarada libre, los gastas que ocasione su conduccion ante el Tribunal se satisfarán por los aprehensores, excepto en los casos especificados y previstos en el Artículo Undecimo del Tratado de que forma parte este Reglamento, y en el Artículo Séptimo de este mismo Reglamento.

Artículo III. Los Tribunales Mixtos de Justicia decidirán de la legalidad de la detencion de las embarcaciones que aprehendan los cruzeros de ambos naciones, en cumplimiento del Tratado mencionado.

Dichos Tribunales juzgarán definitivamente y sin apelacion, todas las cuestiones que se originen de la captura y detencion de las expresadas embarcaciones.

Los procedimientos judiciales de estos Tribunales se efectuarán tan sumariamente como sea posible: y con este fin se encarga á los mismos que, en cuanto sea practicable, decidan cada caso en el termino de veinte dias contados desde el dia en que la embarcacion aprehendida haya entrado en el puerto en donde residiere el Tribunal que deba juzgarla.

En ningun caso se diferirá la sentencia definitiva mas allá del periodo de dos meses, ya sea por motivo de ausencia de testigos, ó ya por otra causa cualquiera, salvo cuando las partes interesadas interpongan recurso; en cuyo caso, y siempre que dicha parte ó partes interesadas presenten fianzas suficientes de abonor los gastos, y tomar sobre si los riesgos de la dilacion los Tribunales podrán conceder, á su arbitrio, una nueva demora, pero esta no deberá exceder de cuatro meses.

Las partes tendrán la facultad de emplear, para que las dirijan en los trámites de la causa, á los letrados que gusten.

Todas las actuaciones ó procedimientos esenciales de los mencionados Tribunales se extenderán por escrito, en la lengua del pais donde residan los Tribunales respectivos.

Artículo IV. Lo forma del proceso, ó sea el modo de enjuiciar, será como sigue:

Los jueces nombrados, respectivamente, por cada una de ambas naciones, procederán, ante todas cosas, á examinar los papeles de la embarcacion aprehendida, y despues á tomar las declaraciones del capitan ó comandante, y de dos ó tres, al menos, de los principales individuos de la tripulacion de la mencionada embarcacion; y, si lo creyesen necesario, tomarán tambien declaracion, bajo juramento, al aprehensor, á fin de juzgar y sentenciar si dicha embarcacion ha sido justa ó injustamente aprehendida, con arreglo á las estipulaciones del Tratado arriba referido, y á fin de que la embarcacion sea condenada ó absuelta en virtud de este juicio. Si sucediese que los dos jueces no estén acordes respecto á la sentencia que deba pronunciarse en el caso sometido á su deliberacion, ya sea en cuanto á la legalidad de la captura, ya á si se está en el caso de condenar al buque, ya respecto á la indemnizacion que haya de concederse, ó á cualquiera otra duda ó cuestion que emane de la mencionada captura; ó si se suscitare entre ellos alguna divergencia de opinion tocante al modo de actuar del referido Tribunal, sacarán á la suerte el nombre de uno de los dos arbitros, nombrados como arriba se expresa, y este arbitro, despues de haber examinado los procedimientos judiciales que se hayan verificado, conferenciará sobre el caso con los dos jueces mencionados, y se pronunciará la sentencia ó fallo definitivo con arreglo al dictámen de la mayoria de los tres.

Artículo V. Si la embarcacion capturada fuere absuelta por la sentencia del Tribunal, la embarcacion y su cargamento se entregarán, en el estado en que entonces se encuentren, al capitan ó á la persona que le represente; y dicho capitan, ó la persona que haga sus veces, podrá reclamar, ante el mismo Tribunal, la evaluacion del resarcimiento de perjuicios que tenga derecho de pedir. El

aprehensor, y, en su defecto, el Gobierno de que sea subdito, quedará responsable al pago de los perjuicios á que hayan sido declarados acreedores el capitan de la mencionada embarcacion, ó los propietarios de la misma ó de su cargamento.

Las dos Altas Partes Contratantes se obligan á satisfacer dentro del término de un año, contado desde el dia de la fecha de la sentencia, las costas y perjuicios que el Tribunal mencionado haya concedido; quedando mutuamente entendido y convenido, que estas costas y perjuicios serán satisfechos por el Gobierno del pais á que pertenezca el aprehensor.

Artículo VI. Si la embarcacion aprehendida fuese condenada, será declarada buena presa, con su cargamento, sea de la naturaleza que fuere, á excepcion de los Esclavos que en ella hayan sido conducidos con el objeto de traficar con ellos; y dicha embarcacion, comprehendida en las estipulaciones del Articulo 12° del Tratado de esta fecha, será vendida, igualmente que su cargamento, á publica subasta en beneficio de ambos Gobiernos, despues de satisfechos los gastos que abajo se expresan.

Los Esclavos recibirán del Tribunal un certificado de emancipacion, y serán entregados al Gobierno al que pertenezca el cruzero que haya hecho al apresamiento, para que sean tratados conforme al reglamento y condiciones contenidas en el Anexo de este Tratado, designado con la letra C.

Artículo VII. Los Tribunales Mixtos examinarán tambien, y juzgarán definitivamente y sin apelacion, todas las reclamaciones por compensacion de pérdidas ocasionadas á los buques y cargamentos que hayan sido detenidos con arreglo á las estipulaciones del presente Tratado, pero que no hayan sido declarados presas legales por los mencionados Tribunales; y en todos los casos en que se decrete la restitucion de dichos buques y cargamentos, salvo en los mencionados en el Artículo Undecimo del Tratado al que este Reglamento corre anexo, y en una parte subsiguiente de este mismo Reglamento, los Tribunales concederán al reclamante ó reclamantes, á su apoderado ó apoderados legalmente instituidos al efecto, una justa y completa indemnizacion por todas las costas del proceso, y por todas las pér-

didas y perjuicios que el propietario ó propietarios hayan experimentado efectivamente en consecuencia de dicha captura y detencion; quedando convenido que la indemnizacion se verificará del modo siguiente:—

Primero—En caso de pérdida total, el reclamante ó reclamantes serán indemnizados:

A. Por el buque, sus aparejos, su equipo, y provisiones.

B. Por todos los fletes debidos y pagaderos.

C. Por el valor del cargamento de mercancias, si habia algunas, deduciendo todas las cargas y todos los gastos que se hubiesen pagado para la venta de dicho cargamento, inclusa la comision de venta.

D. Por todas las demas cargas que regularmente ocurren en el mencionado caso de pérdida total.

Segundo—En todos los demas casos (excepto los mencionados mas abajo) en que no se haya verificado la pérdida total, el reclamante ó reclamantes serán indemnizados:

A. Por todos los perjuicios y gastos especiales ocasionados al buque por la detencion, y por la pérdida de los fletes debidos ó pagaderos.

B. Por estadías, cuando sean debidas, con arreglo á la tarifa anexa al presente Artículo.

C. Por cualquiera averia ó deterioro del cargamento.

D. Por cualquier premio de seguros sobre riesgos adicionales.

El reclamante ó reclamantes tendrán derecho al interés de un cinco por ciento anual sobre la suma concedida, hasta que dicha suma sea pagada por el Gobierno á que pertenezca el buque apresador. El importe total de todas las mencionadas indemnificaciones se calculará en moneda del pais á que pertenezca la embarcacion apresadá, y se liquidará al cambio corriente al tiempo de hacerse la concesion.

Sin embargo las dos Altas Partes Contratantes han convenido en que si se prueba á satisfaccion de los dos jueces de ambas naciones, y sin recurrir á la decision del arbitro, que el aprehensor ha sido inducido á error por culpa del capitan ó comandante de la embarcacion capturada, esta embarcacion capturada no tendrá derecho á cobrar, por el tiempo de su detencion, las estadias estipuladas en el presente Artículo, ni compensacion alguna por pérdidas, daños, ó gastos consiguientes á su aprehension.

Tarifa de estadias ó sea abono diario, para una embarcacion desde

100	toneladas	á	120	inclusive	£5	por dia.
121	id.		150	id.	6	
151	id.		170	id.	8	
171	id.		200	id.	10	
201	id.		220	id.	11	
221	id:		250	id.	12	
251	id.		270	id.	14	
271	id.		300	id.	15	

y asi proporcionalmente.

Artículo VIII. Ni los jueces, ni los arbitros, ni los secretarios de los Tribunales Mixtos, pedirán ni recibirán de ninguna de las partes interesadas en los casos que se presenten ante dichos Tribunales, ningun emolumento ó dádiva, bajo ningun pretexto, por el cumplimiento de los deberes que á dichos, jueces, arbitros, y secretarios incumben.

Artículo IX. Los dos Altas Partes Contratantes han convenido en que en caso de muerte, enfermedad, ausencia con licencia temporal, ó cualquier otro impedimento legal, de uno ó mas de los jueces ó arbitros que formen respectivamente los Tribunales arriba mencionados, la vacante de dicho juez ó de dicho arbitro se llene interinamente del modo que sigue:—

1°—Por parte de Su Magestad Británica, y en el Tribunal que actue en las posesiones que le pertenezcan, si la vacante fuere la del juez Británico, su puesto se llenará por el arbitro Británico; y en este caso, ó en el de que la vacante fuese originariamente la del arbitro Británico, este será reemplazado succesivamente por el gobernador ó teniente gobernador residente en la expresada posesion, por el magistrado principal de la misma, y por el secretario del Gobierno; y el Tribunal asi constituido entrará en el egercicio de sus funciones, y, en todos los casos que se le presenten para juzgar, procederá al juicio del mismo modo, y pronunciará la sentencia.

2°—Por parte de la Gran Bretaña, y en el Tribunal que actue en las posesiones de Su Magestad Católica, si la vacante fuese la del juez Británico, se llenará por el arbitro Británico; y en este caso, ó en el que la vacante fuese

originariamente la del arbitro Británico, este será reemplazado succesivamente por el consul Británico y por el vice-consul Británico, si hubiese consul y vice-consul Británicos nombrados y residentes en dicha posesion; y en el caso de que la vacante fuese á un mismo tiempo del juez Británico y del arbitro Británico, la vacante del juez Británico se llenará por el consul Británico, y la del arbitro Británico por el vice-consul Británico, si hubiere consul y vice-consul Británicos nombrados y residentes en dicha posesion; y si no hubiere consul ni vice-consul Británicos para reemplazar al arbitro Británico, el arbitro Español será llamado en los casos en que seria llamado el arbitro Británico, si lo hubiese; y en caso de que la vacante fuere del juez y del arbitro Británicos á un mismo tiempo, y no hubiere consul ni vice-consul Británico para reemplazarlos interinamente, entonces actuarán el juez y el arbitro Españoles, y, en todos los casos que se les presenten para juzgar, procederán al juicio del mismo modo, y pronunciarán la sentencia.

3°—Por parte de España, y en el Tribunal que actue en las posesiones de Su Magestad Católica, si la vacante fuere la del juez Español, su puesto se llenará por el arbitro Español; y en este caso ó en el de que la vacante fuese originariamente la del arbitro Español, este será reemplazado succesivamente por el gobernador ó teniente gobernador residente en la expresada posesion, por el magistrado principal de la misma, y por el secretario del Gobierno; y el Tribunal asi constituido entrará en el egercicio de sus funciones, y, en todos los casos que se le presenten para juzgar, procederá al juicio del mismo mode, y pronunciará la sentencia.

Cuarto—Por parte de España, y en el Tribunal que actue en la posesion de Su Magestad Británica, si la vacante fuere la del juez Español, se llenará por el arbitro Español; y en este caso, ó en el de que la vacante fuese originariamente la del arbitro Español, este será reemplazado succesivamente por el consul Español y por el vice-consul Español, si hubiese consul y vice-consul Españoles nombrados y residentes en dicha posesion; y en el caso de que la vacante fuese á un mismo tiempo del juez Español y del arbitro Español, la vacante del juez Español se llenará

por el consul Español, y la del arbitro Español, por el vice-consul Español, si hubiere consul y vice-consul Españoles nombrados y residentes en dicha posesion; y si no hubiere consul ni vice-consul Españoles para reemplazar al arbitro Español, el arbitro Británico será llamado en todos los casos en que será llamado el arbitro Español, si lo hubiese; y en caso de que la vacante fuere del juez y del arbitro Españoles á un mismo tiempo, y no hubiese consul ni vice-consul Españoles para reemplazarlos interinamente, entonces actuarán el juez y el arbitro Británicos, y, en todos los casos que se les presenten para juzgar, procederán al juicio del mismo modo, y pronunciarán la sentencia.

El gobernador ó teniente gobernador de los establecimientos donde resida cualquiera de los Tribunales Mixtos, cuando ocurra una vacante, sea de juez ó de arbitro de la otra de las Partes Contratantes, lo participará inmediatamente al gobernador ó teniente gobernador de las colonias mas inmediatas de la otra mencionada Parte Contratante, para que dicha vacante se llene en el término mas corto posible. Ambas Partes Contratantes convienen en llenar definitivamente, y tan pronto como ser pueda, las vacantes que por fallecimiento ó por cualquiera otra causa ocurran en los Tribunales Mixtos arriba mencionados.

Los infrascriptos Plenipotenciarios han convenido, con arreglo al Artículo Decimo-cuarto del Tratado firmado por ellos hoy viente y ocho de Junio, 1835, que el Reglamento que precede y consta de nueve Artículos, correrá anexo á dicho Tratado, y será considerado parte integrante del mismo.

Hoy veinte y ocho de Junio, de mil ochocientos treinta y cinco.

GEORGE VILLIERS. (L.S.) FRANCISCO MARTINEZ DE LA ROSA. (L.S.)

ANEXO C. *Reglamento para el buen trato de los Negros emancipados.*

ARTICULO I. El objeto y espíritu de este Reglamento se encaminan á asegurar á los Negros emancipados en virtud de las estipulaciones del Tratado á que es Anexo (sub literâ

C.), un buen trato permanente, y una entera y completa emancipacion, en conformidad con las intenciones benéficas de las Altas Partes Contratantes.

Artículo II. Inmediatamente despues que el Tribunal Mixto, establecido en virtud del Tratado á que va anexo este Reglamento, hubiere pronunciado sentencia condenando á un buque acusado de haber tomado parte en el Tráfico ilegal de Esclavos, todos los Negros que se hubieren hallado é bordo de dicho buque, y que hubiesen sido conducidos en él con el fin de traficar con ellos, serán entregados al Gobierno á que pertenezca el crucero que haya hecho la presa.

Artículo III. Si fuere Inglés el crucero que haya hecho la presa, el Gobierno Británico se obliga á que los Negros sean tratados en absoluta conformidad con las leyes vigentes en las colonias de la Gran Bretaña respecto al régimen de los Negros emancipados que se hallen en aprendizage.

Artículo IV. Si el crucero que hubiere hecho la presa fuese Español, en este caso se entregarán los Negros á los autoridades Españolas de la Habana, ó de cualquiera otro punto de los dominios de la Reina de España, donde se halle establecido el Tribunal Mixto; y el Gobierno Español se obliga solemnemente á hacer que sean tratados allí con estricta sugecion á los reglamentos últimamente promulgados en la Habana, y vigentes en la actualidad, sobre el trato de los libertos, ó á los que en lo succesivo puedan adoptarse, y los cuales tienen, y deberán tener siempre, por benéfico objeto el promover y el asegurar franca y lealmente á los Negros emancipados la conservacion de la libertad adquirida, el buen trato, el conocimiento de los dogmas de la Religion Cristiana y de la moral, la civilizacion, y la instruccion suficiente en los oficios mecanicos; para que dichos Negros emancipados se hallen en estado de mantenerse por sí mismos, sea como artesanos, menestrales, ó criados de servicio.

Artículo V. Con el fin que se explica en el Artículo Sexto, se guardará en la secretaria del capitan-general ó gobernador del punto de los dominios de la Reina de España donde resida la Comision Mixta, un registro de todos los Negros emancipados, en el cual se inscribirán, con escrupulosa exactitud, los nombres puestos á los Negros,

los de las embarcaciones en que hayan sido apresados, los de las personas á cuyo cuidado se entreguen, y cualesquiera otras circunstancias ú observaciones que puedan contribuir al fin propuesto.

Artículo VI. El registro á que se refiere el Artículo anterior, servirá para formar el estado general que el gobernador ó capitan-general del punto de los dominios de la Reina de España donde resida el Tribunal Mixto, deberá entregar cada seis meses al mencionado Tribunal Mixto, con el objeto de hacer constar la existencia de los Negros que hayan sido emancipados en virtud del presente Tratado, sus fallecimientos, las mejoras de su condicion, y los progresos de su enseñanza asi religiosa y moral como industrial.

Artículo VII. Como el objeto principal de este Tratado, del que forma parte integrante el presente Anexo, no es otro mas que el de mejorar la suerte de estas des venturadas víctimas de la codicia, las Altas Partes Contratantes, que se hallan animadas de unos mismos sentimientos de humanidad, convienen en que si, en lo succesivo, apareciese necesario adoptar nuevas medidas para conseguir dicho benéfico objeto, por aparecer ineficaces las que en este Anexo van mencionadas, se pondrán de acuerdo dichas Altas Partes Contratantes sobre los medios mas á propósito para el completo logro del fin que se proponen.

Artículo VIII. Los infrascriptos Plenipotenciarios han convenido, en conformidad con el Artículo Decimo-cuarto del Tratado firmado por ellos el dia de la fecha, veinte y ocho de Junio de 1835, que el presente Anexo, que consta de ocho Artículos, correrá unido y será considerado como parte integrante de dicho Tratado.—Hoy veinte y ocho de Junio, de mil ochocientos treinta y cinco.

GEORGE VILLIERS. (L.S.)

FRANCISCO MARTINEZ DE LA ROSA. (L.S.)

SWEDEN AND NORWAY.

TREATY *between His Britannic Majesty and His Majesty the King of Sweden and Norway, for preventing their subjects from engaging in any Traffic in Slaves.—Signed at Stockholm, November* 6, 1824.

[Ratifications exchanged at Stockholm, Feb. 26, 1825.]

In the Name of the Most Holy and Undivided Trinity.

HIS Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Sweden and Norway, animated by a mutual desire to adopt the most effectual measures for putting a stop to the carrying on of the Slave Trade by their respective subjects, and for preventing their respective flags from being employed by other nations who may be engaged therein, as a protection to so odious a traffic; and desiring, for this purpose, to give a further developement to the principle laid down by the internal legislation of the two countries, and mutually acknowledged, as well by the 4th paragraph of the Separate Article of the Treaty concluded at Stockholm on the 3rd day of March, 1813, as by the Declaration signed at Vienna, on the 8th day of February, 1815; their said Majesties have resolved to proceed to the conclusion of a special Treaty, for the attainment of this salutary object, and have, therefore, named as Plenipotentiaries, *ad hoc*,—His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Benjamin Bloomfield, one of His Majesty's Most Honourable Privy Council, a Major-General, Colonel Commandant of the first battalion of the Royal Regiment of Artillery, Knight Grand Cross of the Most Honourable Order of the Bath, and of the Royal Hanoverian Guelphic Order, and Envoy Extraordinary and Minister Plenipotentiary of His said Majesty to His Majesty the King of Sweden and Norway; and His Majesty the King of Sweden and Norway, the Sieur Gustavus Count de Wetterstedt, His Minister of State and for Foreign Affairs, Knight Commander of His Orders, Knight of the Order of the Red Eagle of Prussia of the first Class, Knight Grand Cross of the Order of Leopold of Austria, one of the Eighteen of the

Swedish Academy;—who, having exchanged their respective full powers, found in good and due form, have agreed on the following Articles:

ARTICLE I. The laws of Sweden and Norway, from the remotest time, never having recognized the existence of Slavery, under any form whatever, and the Slave Trade being comprehended in that category, already more specially expressed, with regard to Norway, by the Royal Ordinance annexed to the present Treaty (sub literâ B.), dated the 16th of March, 1792,—and the laws of the United Kingdom of Great Britain and Ireland prohibiting to the subjects of His Britannic Majesty, under the severest penalties, any participation whatever in a commerce degrading to humanity, and unworthy of a civilized age,—His Majesty the King of Sweden and Norway engages himself, in consequence, to reiterate, within the space of six months after the ratification of the present Treaty, or sooner if possible, to all his subjects, in the most explicit manner, the prohibition already existing, that they should take any part in the Traffic in Slaves.

In order to render more effective the measures for the suppression of the said traffic, to which the King of Sweden and Norway has pledged himself by the present Treaty, and with the view of assimilating them more nearly to those already adopted by Great Britain, His said Majesty engages to add to them, as soon as possible, with the concurrence of the States General of the Kingdom of Sweden, and of the Storthing of the Kingdom of Norway, penal laws, according to the spirit of the legislation of each country, which laws shall visit with a punishment proportionate to the magnitude of the crime, any participation whatever, by Swedish or Norwegian subjects, in the Slave Trade.

In the mean time, and until these subsequent arrangements can be put in force, the tenor of the Royal Ordinance of the 7th of February, 1823, of which a copy is annexed to the present Treaty (sub literâ A.), is formally maintained and confirmed by the present Article.

Article II. In order more completely to prevent all infringement of the spirit of the preceding Article, the two High Contracting Parties declare, that the vessels belong-

ing to their respective subjects, which, contrary to all expectation, may be found employed in this forbidden traffic, shall, by that act, lose all right to claim the protection of their flag; and they mutually consent that the ships of their royal navies, which shall be provided with special Instructions for this purpose, as hereinafter mentioned, shall visit such merchant-vessels of the two nations as may be suspected, upon reasonable grounds, of being concerned in the Traffic of Slaves, contrary to the provisions of this Treaty, and, in case thereof, may detain and bring away such vessels, in order that they may be brought to trial in the manner stipulated in the Fourth Article of the present Treaty.

Article III. In order to explain the mode of execution of the preceding Article, it is agreed:—

1°. That such reciprocal right of visit and detention shall not be exercised within the Mediterranean Sea, nor within the European seas lying without the Straits of Gibraltar, to the northward of the 37th degree of north latitude, and within and to the eastward of the meridian of Ferro.

2°. That all ships of the royal navies of the two nations, which shall be hereafter employed to prevent the Traffic in Slaves, shall be furnished, by their respective Governments, with a copy, in the English, Swedish, and Norwegian languages, of the Instructions annexed (sub literâ C.) to the present Treaty, and which shall be considered as an integral part thereof.

These Instructions shall not be altered or modified, but with the common consent of the High Contracting Parties.

3°. That the names of the several vessels furnished with such Instructions, the force of each, and the names of their several commanders, shall be, from time to time, communicated forthwith, by the Power issuing the same, to the other High Contracting Party.

4°. That the ships of each of the royal navies, authorized to make such visit as aforesaid, shall not exceed the number of twelve, belonging to either of the High Contracting Parties, without the previous consent of the other High Contracting Party.

5°. That the right of visit, such as has thus been reciprocally agreed on by the two High Contracting Parties, shall not be directly exercised upon merchant-vessels sailing under the convoy of one or more ships of war of either of the two Powers.

If, contrary to all expectation, the commander of a ship of war of either of the two Governments, employed in the suppression of the Slave Trade, should have reasonable grounds for suspecting that a ship under convoy of the other Government, should in fact have on board Slaves destined for sale, or be otherwise engaged in the Traffic of Slaves, contrary to the provisions of this Treaty, he shall address himself to the commander of the convoy, in order to communicate his suspicions; the latter shall then proceed to visit the suspected ship, accompanied by either the commander of the cruizer himself, or any officer whom the latter may delegate as his representative.

The commander of the convoy shall afford all the aid and assistance possible to the visit of the suspected ships, and to their eventual detention, according to the spirit and true sense of the present Treaty.

Article IV. In order to bring to adjudication, with the least delay and inconvenience, the ships of the two nations which may be detained for being engaged in a Traffic of Slaves contrary to the provisions of this Treaty, Mixed Courts of Justice shall be formed of an equal number of individuals, to be named for this purpose by their respective Sovereigns; and it is hereby agreed, that one of the said Courts shall be established in one of the possessions of His Britannic Majesty on the coast of Africa, which shall be named at the exchange of the ratifications of this Treaty, and the other in the Island of St. Bartholomew, in the West Indies, belonging to His Majesty the King of Sweden and Norway; each of the two High Contracting Parties reserving to itself the right of changing, at its pleasure, the place of residence of the Court within its dominions.

It is also hereby provided, that in the event of the absence, on account of illness, or any other unavoidable cause, of one or more of the commissioners, judges or arbiters, under the above-mentioned Treaty, or in case of their absence on leave from their Government, duly noti-

fied to the board of commissioners sitting under the said Treaty, their posts shall be supplied in the same manner in which, by Article IX of the Regulations for the Mixed Commissions, those vacancies are to be supplied, which may occur by the death of one or more of the commissioners aforesaid.

Each Government shall name, to sit in each of these Courts, a judge and an arbiter, reserving, however, to itself according to circumstances, and as it shall think proper, the power either of naming, for that purpose, permanent salaried officers, or of eventually appointing duly qualified individuals on the spot, who shall assemble, when the case occurs, in the quality of judges and arbiters.

It is provided, nevertheless, that after the term fixed for the meeting of the said commissioners, their proceedings in examination and adjudication, shall not be delayed by reason of the absence of any judge or arbiter, to be appointed under the provisions of this Treaty, but the same shall be had and determined by such commissioners as shall or may be assembled, observing in all things as nearly as may be, the several provisions of this Treaty.

Article V. Each of the two High Contracting Parties engages to make good to the subjects of the other, any losses which their respective cruizers may cause them to experience, by the illegal or arbitrary detention of their vessels; and it is understood that the visit and detention shall not, under any pretext whatever, be effected, but by ships which form a part of the two royal navies, and which shall be provided with the special Instructions annexed to the present Treaty, and in pursuance of the provisions thereof.

Article VI. In case the officers commanding vessels employed for the suppression of the Slave Trade shall deviate, in any respect whatever, from the stipulations of the present Treaty, the Government which shall conceive itself to be wronged by such conduct, shall have the right to demand reparation; and, in such case, the Government to which the said commanding officers shall belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict, should such complaint be grounded, punishment proportioned to the transgression which may have been committed.

Article VII. In case of clear and undeniable proof that one or more Slaves shall have been embarked on board during the voyage, for the purpose of traffic, the vessel in question shall be detained and brought to trial, in the manner herein above mentioned in Article II.

And it is further mutually agreed, that all merchant-vessels found hovering, or sailing near the coasts of Africa, within one degree to the westward of the said coasts, between the twentieth degree of north latitude and the same degree of south latitude, or at anchor within any of the rivers, gulfs, or creeks of these coasts, within the limits herein above established, or at anchor in any part within the said limits, shall be lawfully detained and brought before the established Tribunals, provided that, in her equipment, there shall be found any of the particulars hereinafter mentioned, namely :—

1°. Having her hatches fitted with open gratings, instead of close hatches, as usual in merchant-vessels.

2°. Having more divisions or bulk-heads in the hold, or on deck, than necessary for trading vessels.

3°. Having on board spare plank, either actually fitted in that shape, or fit for readily laying a second or moveable deck, or slave-deck.

4°. Having on board, shackles, bolts, or hand-cuffs.

5°. Having on board an unreasonable quantity of water, in casks or in tanks, more than sufficient for the consumption of her crew, as a merchant-vessel.

6°. Having on board an unreasonable number of water-casks or other vessels for holding water, unless the master shall produce a certificate from the custom-house from the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel, that such extra quantity of casks or other vessels, should only be used for the reception of palm-oil, or other lawful commerce.

7°. Having on board a greater quantity of mess tubs, or kids, than requisite for the use of the crew, as a merchant-vessel.

8°. Having on board two or more copper boilers, or even one of an unreasonable size, larger than requisite for use of her crew, as a merchant-vessel.

9°. Having on board an unreasonable quantity of rice or farinha (flour of the manioc of Brazil or cassada), or maize, or Indian corn, beyond any probable requisite provision for the use of the crew, and such rice, flour, maize or Indian corn, not being entered on the manifest as part of the cargo for trade.

The proof of these, or of any one or more of these several indications, shall be considered as *primâ facie* evidence of her actual employment in the Slave Trade, and unless rebutted by satisfactory evidence, upon the part of the master or owners, that such ship or vessel was otherwise legally employed at the time of her detention or capture, the ship or vessel shall thereupon be condemned and declared lawful prize.

Article VIII. The acts or instruments of which mention is made in this Treaty, and which, being annexed thereto, form an integral part of it, are the following:

A. The Proclamation of His Majesty the King of Sweden and Norway, which forbids, anew, to his subjects, the Slave Trade.

B. Extract of a Royal Norwegian Proclamation, dated the 16th of March, 1792. Paragraphs 1st and 6th.

C. Instructions for the vessels of the royal navies of Great Britain and of Sweden and Norway, employed in preventing the Slave Trade.

D. Regulations for the Mixed Courts of Justice.

Article IX. The present Treaty shall be ratified, and the ratifications thereof shall be exchanged within six weeks from the day of signature, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and thereunto affixed the seal of their arms.

Done at Stockholm, the sixth day of November, in the year of our Lord 1824.

B. Bloomfield. (L.S.)

G. Comte De Wetterstedt. (L.S.)

ANNEXE A, *to the Treaty between Great Britain and Sweden and Norway, for the suppression of the Slave Trade, signed at Stockholm, on the 6th day of November, in the year of our Lord* 1824.

PROCLAMATION.

WE, Charles John, by the grace of God, King of Sweden and Norway, and of the Goths and Vandals, do hereby make known;

That, desiring sincerely to maintain the principles manifested by our well-beloved Father, His Majesty the King Charles XIII, of glorious memory, concerning the Slave Trade, which principles perfectly coincide with our own sentiments, we have declared, and do hereby declare;—

That any Swedish and Norwegian ship, which, against all expectation, shall be found employed in the Slave Trade, shall be deemed, in consequence of that transgression, to have lost all right to our protection, or to that of our functionaries:

That we shall learn, with satisfaction, the discovery and the punishment of all abuse of the Swedish and Norwegian flag, in a traffic so odious, and that, accordingly, we have admitted, that every ship bearing the Swedish or Norwegian flag, which shall be found employed in the Slave Trade, shall be considered as if it did not bear the above-mentioned flag.

All those whom it may concern shall regulate themselves according to the present.—In witness whereof we have signed it with our own hand, and have caused to be affixed thereunto our royal seal.

Done at the Castle of Stockholm, the seventh day of February, 1823.

(L.S.) (Signed) CHARLES JOHN.
(Countersigned) SKOGMAN.

ANNEX B, *to the Treaty between Great Britain and Sweden and Norway, for the suppression of the Slave Trade, signed at Stockholm, on the 6th day of November, in the year of our Lord* 1824.

Extract of a Royal Proclamation dated the 16th of March, 1792. Paragraphs 1st and 6th.

1°. FROM the beginning of the year 1803, all Traffic in Negroes, for the subjects of the King, is to be abolished on the coasts of Africa, and wherever it may be practised out of the royal possessions in the West Indies, so that, after that period, no Negro nor Negress shall be bought either on the coast, or elsewhere, on account of, or by any of the subjects of the King, nor be transported in vessels belonging to subjects of the King, nor be imported into the possessions of the West Indies for sale there, and that all sale, in contravention of this Proclamation, shall be regarded as illegal.

* * * * *
* * * * *

6°. The exportation of Negroes and Negresses from the islands of the West Indies is forbidden, from this day, very severely, and those are only excepted from the effect of this prohibition, whom the laws permit to go out of the country, and those to whom the Governor-General, and the Regency in the West India islands, may grant a similar permission, according to circumstances, and in particular cases.

ANNEX C, *to the Treaty between Great Britain and Sweden and Norway, for the suppression of the Slave Trade, signed at Stockholm on the 6th day of November, in the year of our Lord* 1824.

Instructions for the Ships of the British, and Swedish and Norwegian Royal Navies, employed to prevent the Slave Trade.

1°. EVERY ship of the royal navies of the United Kingdom of Great Britain and Ireland, or of Sweden and

Norway, which, furnished with the present Instructions, shall, in conformity with the 2d and 7th Articles of the Treaty concluded the sixth day of November, in the year of our Lord one thousand eight hundred and twenty-four, have a right to visit the merchant ships of either of the two Powers actually engaged, or suspected to be engaged, in the Slave Trade, may, except in the seas exempted by the third Article of the said Treaty, proceed to such visit; and, should any Slaves be found on board, brought there for the express purpose of the traffic, or that the ship can, in general, be included in the cases provided against in the second and seventh Articles, the Commander of the said ship of the royal navy may detain it, and, having detained it, he is to bring it, as soon as possible, for judgment, to the places stipulated by Article 4 of the said Treaty. Ships on board of which no Slaves shall be found intended for purposes of traffic, shall not be detained on any account or pretence whatever.

Negro servants or sailors that may be found on board the said vessels, cannot, in any case, be deemed a sufficient cause for detention.

2°. Whenever a ship of the royal navy, so commissioned, shall meet a merchantman liable to be searched, it shall be done in the mildest manner, and with every attention which is due between allied and friendly nations; and, in no case, shall the search be made by an officer holding a rank inferior to that of lieutenant of the navy.

3°. The ships of the royal navy, so commissioned, which may detain any merchant ship, in pursuance of the tenour of the present Instructions, shall leave on board all the cargo, as well as the master, and a part, at least, of the crew, of the above-mentioned ship.

The captor shall draw up, in writing, an authentic declaration, which shall exhibit the state in which he found the detained ship, and the changes which may have taken place in it.

He shall deliver to the master of the detained ship a signed certificate of the papers seized on board the said vessel, as well as of the number of Slaves found on board at the moment of detention.

The Negroes shall not be disembarked till after the

vessels which contain them shall be arrived at the place where the legality of the capture is to be tried.

If, however, urgent motives, deduced from the length of the voyage, the state of health of the Negroes, or other causes, require that they should be disembarked entirely, or in part, the commander of the capturing ship may take on himself the responsibility of such disembarkation, provided that the necessity be stated in a certificate in proper form.

ANNEX D, *to the Treaty between Great Britain and Sweden and Norway, for the suppression of the Slave Trade, signed at Stockholm, on the 6th day of November, in the year of our Lord* 1824.

Regulations for the Mixed Courts of Justice.

1°. THE Mixed Courts of Justice, to be established by the Treaty of this date, are appointed to decide upon the legality of the detention of such vessels as the cruizers of both nations shall detain, in pursuance of this same Treaty.

The above-mentioned Courts shall judge definitively, and without appeal, according to the present Treaty.

The proceeding shall take place as summarily as possible. The Courts are required to decide (as far as they shall find find it practicable) within the space of twenty days, to be dated from that in which every detained vessel shall have been brought into the port where they shall reside; first, upon the legality of the capture; secondly, in the cases in which the captured vessel shall have been liberated, as to the indemnification which the said vessel is to receive.

And it is hereby provided, that, in no case, shall the final sentence be delayed, on account of the absence of witnesses, or for want of other proofs, beyond the period of two months, except upon the application of any of the parties interested, when, upon their giving satisfactory security to charge themselves with the expense and risks of the delay, the Courts may, at their discretion, grant an additional delay, not exceeding four months.

2°. Each of these Mixed Courts shall be composed in the following manner:

The two High Contracting Parties shall, each of them, name a judge and an arbiter, who shall be authorized to hear and to decide, without appeal, all cases of capture of vessels which, in pursuance of the stipulations of the Treaty of this date, shall be brought before them.

All the essential parts of the proceedings carried on before these Mixed Courts, shall be written down either in English, or in Swedish, or Norwegian.

The judges and the arbiters shall make oath to judge fairly and faithfully, to have no preference either for the claimants or the captors, and to act, in all their decisions, in pursuance of the stipulations of the Treaty of this date.

There shall be attached to each Court, when assembled, a secretary or registrar, who shall register all its acts, and who, previous to his taking charge of his post, shall make oath before the Court, to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to his charge. In the case contemplated by Article IV of the present Treaty, the permanent or temporary salaries of the members of the Mixed Courts, shall be paid by their respective Sovereigns, those of the secretary or registrar of the Court to be established on the coast of Africa, shall be paid by His Britannic Majesty, and those of the secretary of the Court to be established in the West Indies, by His Majesty the King of Sweden and Norway.

As to the incidental expenses of the said Courts, each Government shall defray the half.

The expenses carried to account by the officer charged with the reception and care of the detained ships, as well as with the execution of the sentence (Marshal of the Court), and any other disbursement occasioned by the bringing a vessel to judgment, shall be defrayed from the funds arising from the sale of the vessel, in case of condemnation, and by the captor, if the detained vessel should be released.

3°. The form of the process shall be as follows:

The judges of the two nations shall, in the first place, proceed to the examination of the papers of the vessel, and

to receive the depositions of the captain (who, if he should so wish, shall be allowed to employ counsel to conduct his defence), and of two or three, at least, of the principal individuals on board of the detained vessel, as well as the declaration, on oath, of the captor, should it appear necessary, in order to be enabled to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the present Treaty, and in order that, according to this judgment, it may be condemned or liberated. And, in the event of the two judges not agreeing in the sentence they ought to pronounce, whether as to the legality of the detention, or the indemnification to be allowed, or any other question which might result from the stipulations of the present Treaty, they shall draw by lot the name of one of the two arbiters, who, after having considered the documents of the process, shall consult with the above-mentioned judges on the case in question, and the final sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned judges and of the above-mentioned arbiter.

4°. In the authenticated declaration which the captor shall make before the Court, as well as in the certificate of the papers seized, which shall be delivered to the captain of the captured vessel, at the time of detention, the above-mentioned captor shall be bound to declare his name and the name of his vessel, as well as the latitude and longitude of the place where the detention shall have taken place, and the number of Slaves found on board of the ship at the time of the detention.

5°. As soon as sentence shall have been pronounced, (which shall be duly founded) the detained vessel, if liberated, and the cargo, in the state in which it shall then be found, shall be restored to the master, or the person who represents him, who may, before the same Court, claim a valuation of the damages which they may have a right to demand; the captor himself, and, in his default, his Government shall remain responsible for the above-mentioned damages.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be granted

by the above-named Court; it being understood that these costs and damages shall be at the expense of the Power of which the captor shall be a subject.

6°. In case of the condemnation of a vessel, she shall be declared lawful prize, as well as her cargo, of whatever description it may be, with the exception of the Slaves who may be on board as objects of commerce; and the said vessel, as well as her cargo, shall be sold by public sale for the profit of the two Governments; and as to the Slaves, they shall receive from the Mixed Court a certificate of emancipation, and shall be delivered over to the Government to which the captor belongs, to be employed as servants or free labourers.

Each of the two Governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it.

The expenses for supporting the Slaves, between the time of their capture and the condemnation, shall be levied on the fund arising from the sale of the condemned vessel; but afterwards those expenses shall be charged to the Government of the country which is to enjoy the advantage of their labour.

The charges incurred for the support and the return of the crew of the condemned vessels, shall be defrayed by the Government of which they are the subjects.

7°. The Mixed Courts shall also take cognizance and decide, according to the IIIrd Article of this Regulation, on all claims for compensation on account of losses occasioned to vessels detained under suspicion of having been engaged in the Slave Trade, but which shall not have been condemned as legal prize by the said Courts; and in all cases wherein restitution shall be decreed, the Court shall award to the claimant or claimants, his or their lawful attorney or attornies, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the claimant or claimants may have actually sustained by such capture and detention; that is to say:—

1°. In case of total loss, the claimant or claimants shall be indemnified,

a. For the ship, her tackle, apparel, and stores;

b. For all freight due and payable;

c. For the value of the cargo of merchandize, if any, deducting for all charges and expenses, payable upon the sale of such cargoes, including commission of sale;

d. For all other regular charges in such cases of total loss; and

2°. In all other cases, not of total loss, the claimant or claimants shall be indemnified,

a. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight, when due or payable;

b. A demurrage when due, according to the schedule annexed to the present article;

c. For any deterioration of cargo;

d. An allowance of 5 per cent. on the amount of the capital employed for the purchase of cargo, for the period of delay occasioned by the detention; and

e. For all premium of insurance on additional risks.

The claimant or claimants shall, in all cases, be entitled to interest, at the rate of 5 per cent. per annum, on the sum awarded, until paid by the Government to which the capturing ship belongs; the whole amount of such indemnifications being calculated in the money of the country to which the captured ship belongs, and to be liquidated at the exchange current at the time of the award.

The two High Contracting Parties wishing, however, to avoid, as much as possible, every species of fraud in the execution of the Treaty of this date, have agreed, that if it should be proved, in a manner evident to the conviction of the judges of the two nations, and without having recourse to the decision of an arbiter, that the captor had been led into error by a voluntary and reprehensible fault on the part of the captain of the detained ship,—in that case only, the detained ship shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the present Article.

Schedule of demurrage or daily allowance for a vessel of

100	tons to	120	inclusive,	£5	per diem.
121	do.	150	do.	6	
151	do.	170	do.	8	
171	do.	200	do.	10	
201	do.	220	do.	11	
221	do.	250	do.	12	
251	do.	270	do.	14	
271	do.	300	do.	15	

and so on in proportion.

8°. Neither the judges, nor the arbiters, nor the secretary, of the Mixed Court, shall be permitted to demand or receive from any of the parties concerned in the sentences which they shall pronounce, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present Regulation.

9°. The two High Contracting Parties have agreed, that in the event of the death, sickness, absence on leave, or any other legal impeachment of one or more of the judges or arbiters composing the Mixed Courts, mentioned in the IVth Article of the Treaty of this day, the remaining individuals shall proceed, without interruption, to the judgment of the ships that may be brought before them, and to the execution of their sentence.

Au nom de la Très Sainte et Indivisible Trinité.

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi de Suède et de Norvège, animées d'un désir mutuel d'adopter les mesures les plus efficaces pour empêcher le Commerce des Esclaves par leurs sujets respectifs, et prévenir que leurs pavillons respectifs ne soient employés par d'autres nations, qui s'y trouveraient engagées, pour protéger un trafic aussi odieux, et voulant, à cet effet, donner un développement ultérieur au principe posé par la législation intérieure des deux pays, et reconnu des deux côtés, tant par le paragraphe 4 de l'Article Séparé du Traité conclu à Stockholm

le 3 Mars, 1813, que par la Déclaration signée à Vienne le 8 Février, 1815, leurs dites Majestés ont résolu de procéder à la conclusion d'un Traité spécial pour atteindre ce but salutaire, et ont nommé, à cet effet, des Plénipotentiaires, savoir,—Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Chevalier Benjamin Bloomfield, Conseiller de Sa Majesté Britannique en son Conseil Privé, Général-Major des Armées, et Colonel en Chef du premier bataillon du Régiment d'Artillerie de Sa dite Majesté, Chevalier Grand-Croix du Très Honorable Ordre du Bain, Grand-Croix de l'Ordre Royal Guelphique de Hannovre, et Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa dite Majesté près Sa Majesté le Roi de Suède et de Norvège;—et Sa Majesté le Roi de Suède et de Norvège, le Sieur Gustave Comte de Wetterstedt, son Ministre d'Etat et des Affaires Etrangères, Chevalier Commandeur de ses Ordres, Chevalier de l'Ordre de l'Aigle Rouge de Prusse de la première classe, Grand-Croix de l'Ordre de Léopold d'Autriche, un des Dix-Huit de l'Académie Suédoise:—lesquels, après avoir échangé leurs pleins-pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivans:

ARTICLE I. Les loix de la Suède et de la Norvège, ayant, depuis un tems immémorial, ignoré jusqu'à l'existence de l'Esclavage, sous quelque forme qu'il se présentât, et la Traite des Nègres ayant été comprise dans cette même catégorie, déjà plus spécialement exprimée, par rapport à la Norvège, par l'Ordonnance Royale, annexée au présent Traité (sub litterâ B), en date du 16 Mars, 1792,—et les loix du Royaume Uni de la Grande Bretagne et d'Irlande, défendant de même aux sujets de Sa Majesté Britannique, sous les peines les plus graves, toute participation à ce commerce dégradant pour l'humanité et indigne d'un siècle civilisé, —Sa Majesté le Roi de Suède et de Norvège s'engage, en conséquence, à répéter, dans le terme de six mois après la ratification du présent Traité, ou plus tôt, si faire se pourra, à tous ses sujets, de la manière la plus explicite, la défense, déjà existante, de prendre aucune part quelconque à la Traite des Nègres.

Afin de rendre plus efficaces les mesures répressives contre la dite traite, auxquelles Sa Majesté le Roi de Suède

et de Norvège s'est engagée par le présent Traité, et dans le but de les mettre dans une plus grande harmonie avec celles déjà adoptées par la Grande Bretagne, Sa dite Majesté s'engage à y ajouter, aussitôt que possible, avec le concours des Etats-Généraux du Royaume de Suède, et du Storthing du Royaume de Norvège, des loix pénales, d'après l'esprit de la législation de chaque pays, lesquelles frapperaient d'une peine proportionnée à la gravité du délit, toute participation, de la part de sujets Suédois ou Norvégiens, à la Traite des Noirs.

En attendant, et jusqu'à ce que ces dispositions ultérieures puissent être mises en vigueur, la teneur de l'Ordonnance Royale du 7 Février 1823, dont copie se trouve jointe au présent Traité (sub litterâ A.), est formellement maintenue et confirmée par le présent Article.

Article II. Afin de prévenir plus complètement toute contravention à la teneur de l'Article précédent, les deux Hautes Parties Contractantes déclarent, que les vaisseaux appartenans à leurs sujets respectifs, qui, contre toute attente, seraient trouvés employés dans ce trafic défendu, auront, par ce seul fait, perdu tout droit de réclamer la protection de leur pavillon; et elles consentent mutuellement à ce que les vaisseaux de leurs marines royales qui seront munis d'Instructions spéciales à cet effet, telles qu'on les trouve mentionnées ci-après, pourront visiter les navires marchands des deux nations, lesquels, sur des présomptions raisonnables, seraient soupçonnés d'être engagés dans le Trafic d'Esclaves, en contravention aux dispositions du présent Traité, et, dans ce cas, ils pourront arrêter et amener les navires, pour être mis en jugement de la manière qui se trouve stipulée dans l'Article 4 du présent Traité.

Article III. Afin d'expliquer le mode d'exécution de l'Article précédent, ils est convenu:—

1°. Que ce droit réciproque de visite et de détention ne saurait être exercé dans la Mer Méditerranée, ni dans les mers Européennes situées hors du Détroit de Gibraltar, au nord du 37me degré de latitude septentrionale, et à l'est du Méridien de Ferro.

2°. Que les vaisseaux de la marine royale des deux Etats, qui seront destinés à prévenir le Commerce d'Es-

claves, seront munis, para leurs Gouvernemens respectifs, d'une copie, en Anglais, en Suédois, et en Norvégien, des Instructions annexées (sub litterâ C.) au présent Traité, duquel elles sont considérées comme partie intégrante.

Ces Instructions ne pourront être changées ou modifiées, que d'un commun accord entre les Hautes Parties Contractantes.

3°. Que les noms des différens vaisseaux munis de pareilles Instructions, leurs forces respectives, et les noms des commandans, seront communiqués, de tems en tems, et immédiatement, à mesure de la délivrance d'icelles par la Puissance qui en fait l'expédition, à l'autre Partie Contractante.

4°. Que le nombre des vaisseaux de chacune des marines royales, autorisés à exécuter la visite susdite, ne pourra excéder celui de douze, appartenant à chacune des Hautes Parties Contractantes, sans le consentement préalable de l'autre Puissance.

5°. Que le droit de visite, tel qu'il vient d'être mutuellement accordé par les deux Hautes Parties Contractantes, ne pourra point être exercé directement, vis-à-vis des bâtimens marchands, naviguant sous le convoi d'un ou de plusieurs bâtimens de guerre de l'une ou de l'autre des deux Puissances.

Si, contre toute attente, le commandant d'un bâtiment de guerre de l'un des deux Gouvernemens, employé à la répression de la Traite des Nègres, avait des présomptions raisonnables pour soupçonner qu'un bâtiment, sous le convoi de l'autre Gouvernement, aurait effectivement à bord des Esclaves destinés à la vente, ou serait autrement engagé dans le Trafic d'Esclaves, en contravention aux dispositions du présent Traité, il s'adressera au commandant du convoi, pour lui faire part de ses soupçons; celui-ci procèdera alors à la visite du bâtiment indiqué, en s'associant, pour cet effet, soit le commandant même du croiseur, soit l'officier que ce dernier aura délégué pour le représenter.

Le commandant du convoi prêtera toute aide et facilité possible à la visite des navires soupçonnés, et à leur détention éventuelle, selon l'esprit et le véritable sens du présent Traité.

Article IV. Afin d'amener en jugement, avec le moins de délai et d'inconvénient, les navires des deux nations qui seraient détenus pour être engagés dans le Commerce d'Escláves, en contravention aux dispositions du présent Traité, il sera formé des Cours de Justice Mixtes, composées d'un nombre égal d'individus, à nommer par les Souverains respectifs; l'une de ces Cours sera établie dans une des possessions de Sa Majesté Britannique sur la côte d'Afrique, dont déclaration sera faite à l'échange des ratifications du présent Traité, et l'autre dans l'Ile de St. Barthélemy, aux Indes Occidentales, appartenante à Sa Majesté le Roi de Suède et de Norvège; chacune des deux Parties Contractantes se réservant le droit de changer, à sa convenance, la place de résidence de la Cour dans l'intérieur de ses domaines.

Si un ou plusieurs des commissaires, juges ou arbitres, nommés en vertu du présent Traité, seraient absens, soit par maladie ou autre cause valable, soit par congé accordé par son Gouvernement, et dûment notifié à la Cour susmentionnée, on procèdera, pour leur remplacement, conformément aux stipulations de l'Article 9 du Réglement pour les Commissaires Mixtes, dont les places deviennent vacantes par décès.

Chaque Gouvernement nommera, pour siéger dans chacune de ces Cours, un juge et un arbitre, en se réservant toutefois, d'après les circonstances, et comme ils le jugeront à propos, soit de nommer, pour cet effet, des employés permanens et salariés, soit de constituer éventuellement des individus dûment qualifiés, sur les lieux, pour s'assembler, le cas échéant, dans la qualité de juges et d'arbitres.

Il est toutefois convenu, qu'après le terme fixé pour la réunion des dits commissaires, leur enquête et jugement ne pourront être tirés en longueur, ni arrêtés par l'absence d'un juge ou arbitre, à être désigné par suite du présent Traité, mais que la Cour pourra procéder et prononcer sur l'affaire, au moyen des commissaires qui s'assembleront, en se conformant aussi strictement que possible aux différentes stipulations du présent Traité.

Article V. Chacune des deux Hautes Parties Contractantes s'engage à faire indemniser les sujets de l'autre, de

toutes les pertes que ses croiseurs auront pu leur faire essuyer, par une détention illégale ou arbitraire de leurs vaisseaux; et il est entendu que la visite et la détention ne pourraient, sous aucun prétexte, être effectuées que par des bâtimens faisant partie des deux marines royales, munis des Instructions spéciales annexées au présent Traité, et en se conformant à leurs dispositions.

Article VI. Dans les cas où les officiers commandans des vaisseaux employés à la répression de la Traite de Nègres, s'écarteraient des dispositions du présent Traité, de quelque maniere que ce fût, le Gouvernement qui se croira lésé par une telle conduite, aura le droit de demander réparation; et, en tel cas, le Gouvernement auquel les dits officiers commandans appartiendront, s'oblige à faire instituer des enquêtes au sujet de la plainte, et à infliger, lorsqu'elle sera trouvée fondée, une punition proportionnée à la transgression commise.

Article VII. Dans le cas qu'il existait des preuves claires et irrécusables, qu'un ou plusieurs Esclaves auraient été embarqués, pendant le voyage, sur un bâtiment visité, dans le dessein d'en faire trafic, le bâtiment en question sera détenu, et mis en jugement, de la manière indiquée ci-dessus dans l'Article 2.

Il est de même convenu que tout bâtiment marchand trouvé rodant, ou naviguant près des côtes d'Afrique, à la distance d'un degré à l'ouest des dites côtes, entre le vingtième degré de latitude septentrionale, et le même degré de latitude méridionale, ou rencontré à l'ancre dans les rivières, golfes, ou baies, de ces côtes, entre les limites ci-dessus établies, ou à l'ancre dans quelque place que ce soit, en dedans de ces limites, pourra être légalement détenu et amené devant les Cours établies, lorsque dans son équipement il se trouve les particularités ci-dessous désignées, savoir:—

1°. Que les écoutilles seraient en treillis, et non en planches entières, comme les portent ordinairement les bâtimens marchands.

2°. Qu'il se trouverait plus de compartimens dans l'entrepont, ou sur le tillac, qu'il ne serait nécessaire pour des bâtimens marchands.

3°. Qu'il se trouverait à bord des planches apprêtées pour la construction d'un pont volant.

4°. Qu'il y aurait à bord des chaînes, des menottes, &c.

5°. Qu'il y aurait à bord une plus grande provision d'eau que celle possiblement requise pour la consommation de l'équipage.

6°. Qu'il y aurait à bord une quantité superflue de bariques, ou tonneaux, à moins que le capitaine ne puisse prouver, par un certificat délivré par la douane du lieu de son départ, que les propriétaires auraient donné sûreté complète pour que ces bariques seraient employées pour y mettre de l'huile de palme, ou pour tout autre commerce légal.

7°. Qu'il y aurait à bord plus de caisses pour conserver des provisions, qu'il n'en faudrait pour l'équipage du vaisseau.

8°. Qu'il y aurait à bord deux ou plusieurs chaudières en cuivre, ou bien une seule chaudière d'une ampleur démesurée, ou évidemment plus grande qu'il ne le faudrait pour l'usage de l'équipage.

9°. Qu'il y aurait à bord une quantité démesurée de riz, de farine, de manioc ou de cassave, de maïs, ou de bled des Indes, au-delà de ce que l'équipage pourrait possiblement consommer, et que ces provisions ne se trouveraient point marquées sur les documens de mer, comme destinées au commerce.

Une ou plusieurs des circonstances susmentionnées suffiront pour établir la présomption légale sur la destination d'un bâtiment pour le Commerce des Noirs; et à moins que le capitaine ne puisse prouver, d'une manière satisfaisante, qu'au moment de la détention, le bâtiment avait une autre destination permise, celui-ci pourra être condamné sur cette première évidence et déclaré bonne prise.

Article VIII. Les actes ou instrumens dont il est fait mention dans le présent Traité, et qui, s'y trouvant annexés, en forment partie intégrante, sont les suivans:

A. L'Ordonnance de Sa Majesté le Roi de Suède et de Norvège, qui défend, de nouveau, à ses sujets, la Traite des Nègres.

B. Extrait d'une Ordonnance Royal Norvégienne, en date du 16 Mars, 1792. Paragraphes 1 et 6.

C. Instructions pour les vaisseaux des marine royales

de la Grande Bretagne et de la Suède et de la Norvège, employés à prévenir la Traite des Nègres.

D. Réglement pour les Cours de Justice Mixtes.

Article IX. Le présent Traité sera ratifié, et les ratifications en seront échangées dans l'espace de six semaines après le jour de la signature, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le cachet de leurs armes.

Fait à Stockholm, le sixième jour de Novembre, l'an de Grace mil huit cent vingt-quatre.

(L.S.) B. Bloomfield.
(L.S.) G. Comte de Wetterstedt.

Annexe A *au Traité entre la Grande Bretagne et la Suède et la Norvège, pour la Répression de la Traite des Noirs, signé à Stockholm, le sixième jour de Novembre, l'an de Grace mil huit cent vingt-quatre.*

Ordonnance.

Nous Charles Jean, par la grâce de Dieu, Roi de Suède, de Norvège, des Goths et des Vandales, savoir faisons:

Que désirant sincèrement de maintenir les principes manifestés par notre bien-aimé Père, Sa Majesté le Roi Charles XIII, de glorieuse mémoire, par rapport à la Traite des Nègres, lesquels principes coincident parfaitement avec nos propres sentimens, nous avons déclare, et déclarons;—

Que tout bâtiment Suédois et Norvégien qui, contre toute attente, sera trouvé employé dans la Traite des Nègres, sera, par suite de cette transgression, censé avoir perdu tout droit à notre protection, ou à celle de nos fonctionnaires;

Que nous verrons, avec satisfaction, la découverte et la punition de tout abus du pavillon Suédois et Norvégien, dans un trafic aussi odieux, et que, par conséquent, nous avons accédé à ce que tout bâtiment portant pavillon Suédois ou Norvégien, qui sera trouvé employé dans la Traite des Nègres, soit considéré comme s'il ne portait pas le pavillon susmentionné.

Tous ceux à qui il appartient, auront à se régler sur la

présente.—En foi de quoi nous l'avons signée de notre propre main, et y avons fait apposer notre sceau royal.

Fait au Château de Stockholm, le sept Février, 1823.

(L.S) (Signé) CHARLES JOHN.
(Contresigné) SKOGMAN.

ANNEXE B *au Traité entre la Grande Bretagne et la Suède et la Norvège, pour la répression de la Traite des Noirs, signé à Stockholm, le sixième jour de Novembre, l'an de Grace mil huit cent vingt-quatre.*

Extrait d'une Ordonnance Royale du 16 Mars, 1792. Paragraphes 1 et 6.

1°. A commencer de l'année 1803, tout Trafic de Nègres pour les sujets du Roi, doit être aboli sur les côtes de l'Afrique et partout où il pourrait avoir lieu hors des possessions royales dans les Indes Occidentales, de manière qu'après ce tems, aucun Nègre ni Négresse ne pourront être achetés, ni sur la côte ni autre part, pour le compte ou par des sujets du Roi, ni être transportés dans des vaisseaux des sujets du Roi, ni être importés dans les possessions des Indes Occidentales pour y être vendus, et que toute vente, en contravention à cette Ordonnance, sera regardée illicite.

* * * * *
* * * * *

6°. L'exportation de Nègres et de Négresses des îles des Indes Occidentales est défendue, depuis ce jour, très sévèrement, et sont exceptés de cette défense seulement ceux à qui les loix permettent de sortir du pays, et ceux à qui le Gouverneur-Général et la Régence dans les îles Occidentales peuvent donner une permission pareille, d'après les circonstances, et dans des cas particuliers.

ANNEXE C *au Traité entre la Grande Bretagne et la Suède et la Norvège, pour la répression de la Traite des Noirs, signé à Stockholm, le sixième jour de Novembre, l'an de Grace mil huit cent vingt-quatre.*

Instructions pour les vaisseaux des Marines Royales de la Grande Bretagne, et de Suède, et de Norvège, employés à prévenir la Traite des Nègres.

1°. Tout vaisseau des marines royales du Royaume Uni de la Grande Bretagne et d'Irlande, ou de Suède et de Norvège, muni des présentes Instructions, aura, en conformité des Articles II et VII du Traité conclu le sixième jour de Novembre, de l'an de grâce mil huit cent vingt-quatre, le droit de visiter les navires marchands de chacune des deux Puissances effectivement engagés, ou suspects d'être engagés, dans le Commerce des Esclaves, pourra y procéder, hormis dans les mers exceptées par l'Article III du dit Traité; et s'il se trouve des Esclaves à bord, dans le dessein exprès d'en faire trafic, ou que le bâtiment se trouve, en général, dans les cas prévus par les Articles II et VII, le commandant du dit vaisseau de la marine royale aura le pouvoir de le détenir, et en cas de détention d'un navire, il le conduira, le plus tôt possible, pour être mis en jugement, aux endroits stipulés par l'Article IV du dit Traité. Les navires à bord desquels on ne trouvera point d'Esclaves destinés à des objets de commerce, ne seront détenus sous aucune raison ou prétexte quelconque.

Des domestiques ou matelots Nègres trouvés à bord des dits navires, ne pourront, en aucun cas, être estimés une cause suffisante de détention.

2°. Toutes les fois qu'un vaisseau des marines royales, à ce commissionné, rencontrera un navire marchand, sujet à la visite, celle-ci se fera de la manière la plus honnête, et avec toutes les attentions que se doivent réciproquement, deux nations, amies et alliées; en aucun cas la recherche ne pourra être faite par un officier d'un grade inférieur à celui de lieutenant de la marine.

3°. Les vaisseaux des marines royales, ainsi commissionnés, qui viendront à détenir un navire marchand, d'après la teneur des présentes Instructions, laisseront à

bord la cargaison entière, sans y toucher, aussi bien que le patron, et au moins, une partie de l'équipage du dit navire.

Le capitaine capteur couchera par écrit une déclaration authentique, qui articulera l'état dans lequel il a trouvé le navire détenu, et les changemens qui pourront y être survenus.

Il délivrera au patron du navire détenu un certificat signé des papiers saisis à bord du dit navire, ainsi que du nombre d'Esclaves trouvés à son bord au moment de la détention.

Les Nègres ne seront point débarqués avant que les navires qui les contiennent ne soient arrivés au lieu, où la légalité de la capture doit être jugée.

Si, néanmoins, des motifs urgens, tirés de la longueur du voyage, de l'état sanitaire des Nègres, ou d'autres causes, requéraient qu'ils fussent débarqués, en totalité, ou en partie, le commandant du vaisseau capteur peut prendre sur lui la responsabilité d'un semblable débarquement, pourvu que la nécessité en soit constatée par un certificat en due forme.

ANNEXE D *au Traite entre la Grande Bretagne, et la Suède et la Norvège, pour la répression de la Traite des Noirs, signé à Stockholm, le sixième jour de Novembre, l'an de Grace mil huit cent vingt-quatre.*

Réglement pour les Cours de Justice Mixtes.

1°. Les Cours de Justice Mixtes à établir d'après le Traité de ce jour, sont constituées à l'effet de décider de la légalité de la détention des navires que les croiseurs des deux nations viendront à arrêter en vertu du dit Traité.

Les Cours sus-mentionnées décideront définitivement, et sans appel, conformément aux stipulations du Traité.

La procédure aura lieu aussi sommairement que possible. Et les Cours sont requises de prononcer (pour autant qu'elles le trouveront praticable) dans l'espace de vingt jours, à dater de celui auquel le navire détenu aura été conduit dans les ports où les Cours résident; elles jugeront, en premier lieu, de la légalité de la capture; et, en second

lieu (dans le cas où le navire capturé viendra à être absous), de l'indemnisation à donner au navire capturé.

Et il est statué par les présentes, que, dans tous les cas, la sentence définitive ne pourra être différée, pour cause d'absence de témoins, ou par défaut d'autres preuves, au delà du terme de deux mois, à moins que ce ne soit à la demande d'une des parties intéressées, en quel cas, et moyennant qu'elles fournissent sûreté suffisante qu'elles se chargeront elles mêmes des frais et risques du délai, les Cours auront le pouvoir discrétionnaire d'accorder un délai additionnel, qui n'excèdera pas quatre mois.

2°. Chacune de ces Cours Mixtes sera composée de la manière suivante:

Les deux Hautes Parties Contractantes nommeront, chacune, un juge et un arbitre, qui seront autorisés à prendre connaissance, et à décider, sans appel, de tous les cas de capture de navire, qui, en suite des stipulations du Traité de ce jour, viendront à être portés devant eux.

Toutes les parties essentielles des procédures portées pardevant les dites Cours Mixtes, seront couchées par écrit soit en Anglais, soit en Suédois, ou Norvégien.

Les juges et arbitres prêteront serment de juger loyalement et fidèlement, de n'accorder aucune préférence soit aux réclamans, soit aux capteurs, et de se conduire, dans toutes leurs décisions, conformément aux stipulations du Traité de ce jour.

A chaque Cour, lorsqu'elle s'assemblera, sera attaché un secrétaire ou greffier, lequel enrégistrera tous les actes de celle-ci, et qui, avant de prendre possession de sa charge, prêtera serment par-devant la Cour, de se conduire respectueusement à son égard, et d'en agir avec fidélité, en toutes les affaires du ressort de sa charge. Dans le cas prévu par l'Article IV du Traité, les salaires permanens ou temporaires des membres des Cours Mixtes, seront payés par leurs Souverains respectifs, ceux du secrétaire ou greffier de la Cour à établir sur la côte d'Afrique, seront payés par Sa Majesté Britannique, et ceux du Secrétaire de la Cour à établir aux Indes Occidentales seront payés par Sa Majesté le Roi de Suède et de Norvège.

Les frais casuels des dites Cours seront défrayés la moitié par chaque Gouvernement.

Les frais portés en ligne de compte par l'officier chargé de la réception et du soin des navires détenus, ainsi que de l'exécution des jugemens (Marshal of the Court), de même que toute autre dépense occasionnée par la détention et la mise en jugement d'un bâtiment, seront supportées par les fonds provenans de la vente du bâtiment, en cas de condamnation, et par le capteur, si le bâtiment détenu est relâché.

3°. La manière de procéder sera comme suit:

Les juges des deux nations procèderont, en premier lieu, à l'examen des papiers du navire, et à recevoir les dépositions du capitaine (lequel, s'il le désire, aura la faculté de se servir d'un avocat pour défendre sa cause), et de deux à trois des principaux individus, au moins, du navire amené, aussi bien que la déclaration assermentée du capteur, si elle paraissait nécessaire, afin d'être en état de juger et de prononcer si le navire a été détenu justement ou non, conformément aux stipulations du Traité, et afin qu'en vertu de ce jugement le navire puisse être condamné ou absous. Et, dans le cas où les deux juges ne s'accorderaient pas sur la sentence à prononcer par eux, soit quant à la légalité de la détention, soit quant à l'indemnisation à allouer, ou sur toute autre question qui pourrait résulter des stipulations du Traité, ils tireront au sort le nom de l'un des deux arbitres, lequel, après avoir examiné les documens du procès, delibérera avec les juges sus-mentionnés, sur le cas existant, et la sentence finale sera prononcée conformément à l'opinion de la majorité des juges et de l'arbitre sus-mentionné.

4°. Dans les déclarations authentiques que le capteur sera tenu de faire par-devant la Cour, ainsi que dans le certificat des papiers saisis, qui sera délivré au capitaine du navire capturé, lors de sa détention, le susdit capteur sera tenu de déclarer son nom, et celui de son vaisseau, aussi bien que la latitude et la longitude de l'endroit où la détention a eu lieu, et le nombre des Esclaves trouvés à bord du navire capturé au moment de sa détention.

5°. Aussitôt après que la sentence aura été prononcée (laquelle sera dûment motivée), le navire détenu, s'il est libéré, et sa cargaison, dans l'état où elle se trouvera alors, seront restitués au patron, ou à celui qui le représente, lequel pourra réclamer, par-devant la même Cour, une

évaluation des dommages qu'il pourrait avoir droit de demander; le capteur lui-même, et, à son défaut, son Gouvernement, restera responsable des dits dommages.

Les deux Hautes Parties Contractantes s'obligent à payer, dans l'espace d'une année après la date de la sentence, les frais et dommages qui pourront être accordés par la cour susnommée; il est entendu que ces frais et dommages tomberont à la charge de la Puissance dont le capteur sera sujet.

6°. En cas de condamnation d'un navire, il sera déclaré prise légitime, aussi bien que sa charge, de quelque description qu'elle puisse être, à l'exception des Esclaves qui pourront être à bord comme objets de commerce; et le dit navire, aussi bien que sa charge, sera vendu en vente publique au profit des deux Gouvernemens; et quant aux Esclaves, ils recevront de la Cour Mixte un certificat d'émancipation, et seront remis au Gouvernement auquel appartient le capteur, aux fins d'être employés comme domestiques ou travailleurs libres.

Chacun des deux Gouvernemens s'oblige à la garantie de la liberté de telle portion de ces individus qui viendra à y être respectivement consignée.

Les frais d'entretien des Esclaves, entre le moment de la capture et celui de la condamnation, seront affectés sur les fonds provenans de la vente du navire condamné. Après ce moment, ces frais tomberont à la charge du Gouvernement du pays qui devra jouir de l'avantage de leur travail.

Les frais occasionés par l'entretien et le renvoi des équipages d'un navire condamné, seront à la charge du Gouvernement dont ils se trouveront être les sujets.

7°. Les Cours Mixtes connaîtront et jugeront également, et en la forme voulue par l'Article III du présent Réglement, de toute réclamation pour compensation de pertes occasionnées à des navires détenus sur soupçon de faire le Commerce des Esclaves, mais non condamnés comme prises légales, par les dites Cours; dans tous les cas, où la restitution aura été prononcée, les Cours adjugeront au profit du ou des réclamans, ou leurs ayant-causes légaux, une indemnisation juste et complète de tous les frais de procédure, et de toutes les pertes et dommages que le ou

les réclamans pourraient avoir éprouvés par telle capture et détention; les Cours observeront,—

1°. Qu'en cas de perte totale, le ou les réclamans seront indemnisés,—

a. Pour le navire, ses agrès, apparaux et munitions;

b. Pour tout frêt dû, et à payer;

c. Pour la valeur de la cargaison, et des marchandises, s'il y en a, déduction faite des charges et dépenses payables pour la vente de pareilles cargaisons, y compris la commission de vente;

d. Pour toutes autres charges usitées en cas de perte totale; et

2°. Que dans tous les autres cas de perte non-totale, le ou les réclamans seront indemisés,—

a. De tout dommage et dépense particuliers occasionnés au navire par la détention, et pour la perte de frêt dû ou à payer;

b. Pour starie; l'indemnisation due de ce chef sera réglée d'après la cédule annexée au présent Article;

c. De toute détérioration de la cargaison;

d. Il leur sera alloué également cinq pour cent du montant du capital employé à l'achat de la cargaison, pour tout le tems du délai occasionné par la détention; et

e. Un dédommagement pour toute prime d'assurance sur les risques additionnels.

Dans tous les cas, le ou les réclamans auront le plus droit aux intérêts, sur le pied de cinq pour cent par an, de la somme adjugée, jusqu'à son paiement par le Gouvernement auquel le vaisseau capteur appartient; le montant entier de cette indemnisation sera calculé en monnaie du pays auquel le navire capturé appartient, à liquider d'après le cours de change à l'époque de l'adjugement.

Les deux Hautes Parties Contractantes désirant toutefois éviter, autant que possible, toute espèce de fraude dans l'exécution du Traité de ce jour, sont convenues, que s'il venait à être prouvé, d'une manière évidente, et à la conviction des juges des deux nations, et sans avoir recours à la décision d'un arbitre, que le capteur a été induit en erreur par une faute volontaire et répréhensible de la part du capitaine du navire capturé,—en ce cas seulement, le dit navire n'aura pas droit à recevoir, pendant la durée des

jours de sa détention, la starie stipulée par le présent Article.

Cédule de Starie ou Jour de planche pour un navire de

100	tonneaux	jusqu'à	120	inclusivement	£5
121	,,	150	,,		6
151	,,	170	,,		8
171	,,	200	,,		10
201	,,	220	,,		11
221	,,	250	,,		12
251	,,	270	,,		14
271	,,	300	,,		15

par jour.

et ainsi de suite en proportion.

8°. Il ne sera licite ni aux juges, ni aux arbitres, ni au secrétaire, des Cours Mixtes, de demander ou de recevoir d'aucune des parties concernées dans les sentences qu'ils prononceront aucun émolument, sous quelque prétexte que ce puisse être, pour l'accomplissement des devoirs qui leur sont imposés par le présent Réglement.

9°. Les deux Hautes Parties Contractantes sont convenues qu'en cas de décès, de maladie, de congé, ou de tout autre empêchement légal d'un ou de plusieurs des juges ou arbitres composant les Cours Mixtes mentionnées dans l'Article 4 du Traité de ce jour, les individus qui resteront, procèderont sans interruption au jugement des navires qui pourraient être traduits par-devant eux, et à la mise en exécution de leur sentence.

Supplementary Papers referred to in Articles III and IV of the preceding Treaty.

Declaration referred to in Article III.

Déclaration par rapport aux Instructions, en langue Suédoise et Norvégienne, qui seront données aux vaisseaux de la Marine Royale de Sa Majesté le Roi de Suède et de Norvège, et de Sa Majesté Britannique, qui seront employés pour la répression de la Traite des Nègres, conformément au Traité signé par les Plénipotentiaires de leurs dites Majestés, le 6 Novembre, 1824, dont les ratifications ont été échangées aujourd'hui.

Un traité pour la répression de la Traite des Nègres ayant été conclu entre la Suède et la Norvège, et la Grande Bretagne, et signé à Stockholm, le 6 Novembre, 1824; et l'Article III de ce même Traité ayant stipulé, parmi autres, "Que tous les vaisseaux de la marine royale des deux "Etats qui seront destinés à prévenir le Commerce d'Es- "claves, seront munis par leurs Gouvernemens respectifs "d'une copie en Suédois, en Norvégien, et en Anglais, des "Instructions annexées (sub literâ C.) au présent Traité, "duquel elles sont considérées comme partie intégrante;"

Les Plénipotentiaires soussignés, signataires du Traité, déclarent par la présente, qu'étant dûment autorisés à cet effet par leurs Souverains respectifs, la copie des dites Instructions ci-annexées en Suédois et en Norvégien, est celle qui, avec la copie des dites Instructions en Anglais, annexée au Traité, constitue le document qui sera délivré aux vaisseaux des marines royales des deux Puissances, qui, conformément au Traité en question, seront, dans la suite, employés à prévenir le Commerce des Esclaves.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Déclaration, et y ont apposé le cachet de leurs armes.

Fait à Stockholm le vingt-sixième jour du mois de Février l'an de Grace mil huit cent vingt-cinq.

(L.S.) G. Comte De Wetterstedt.

(L.S.) B. Bloomfield.

Declaration relative to the Instructions to be given in the Swedish and Norwegian languages, to the vessels of the Royal Navy of His Majesty the King of Sweden and Norway, and of His Britannic Majesty, which may be employed for the suppression of the Slave Trade, in conformity to the Treaty signed by the Plenipotentiaries of their said Majesties, on the 6th of November, 1824, and whereof the ratifications have been this day exchanged.

Whereas a treaty for the suppression of the Slave Trade, was concluded between Great Britain and Sweden and Norway, and signed at Stockholm on the 6th of November, 1824; and whereas in the IIIrd Article of the said Treaty, it is, among other matters, agreed, "That all ships of the "royal navies of the two nations, which shall hereafter be "employed to prevent the Traffic in Slaves, shall be fur-"nished by their respective Governments with a copy in "the English, Swedish, and Norwegian languages, of the "Instructions annexed (sub literâ C.) to the present Treaty, "and which shall be considered as an integral part thereof;"

The undersigned Plenipotentiaries signing the Treaty, do hereby declare, being duly authorized to this effect by their respective Sovereigns, that the copy of the said Instructions, hereunto annexed in the Swedish and Norwegian languages, is that which, together with the copy of the said Instructions in the English language annexed to the Treaty, constitutes the document which is to be furnished to the ships of the royal navies of the two Powers, which shall, under the Treaty in question, be hereafter employed to prevent the Traffic in Slaves.

In witness whereof the respective Plenipotentiaries have signed the present Declaration, and have affixed thereunto the seals of their arms.

Done at Stockholm, the twenty-sixth day of February, in the year of our Lord one thousand eight hundred and twenty-five.

(L.S.) B. Bloomfield.
(L.S.) G. Count De Wettierstedt.

Bilaga C.

Till Tractaten emellan Sverige och Norrige samt Stora Britannien till Slaf handelns affkaffande undertecknad i Stockholm den Sjette dagen i November månad, år efter Christi börd Ete Tusende åtta Hundrade och Tjugo Fyra.

Instruction för de Kongl. Svenska och Norrska samt Kongl. Stor Britaniska Krigs Skepp, som användas att forekomma Slaf handeln.

1°. Hvarje Kongl. Svenskt och Noorskt eller Kongl. Stor Britanniskt Krigs fartyg, försedt med denna Instruction skall i ofverensstämmelse med Andra och Sjunde Articlarne af Tractaten afslutad den sjette dagen i November månad året efter Christi börd Ete Tusende åtta Hundrade och Tjugo fyra, hafva rättighet att undersöka båda Magternes handels fartyg, som verkeligen sysselsätta sig, eller äro misstänkte att sysselsatte sig, med Slaf handel och kunna företaga denna undersökning med undantag af de farvatten som äro utmärkte i tredje Artikeln af samma Tractat, och om Slafvar befinnas om bord i tydelig affigt att dermed drifva handel, eller fartyget i allmänhet befinner sig i de uti andra och sjunde Artiklarne förutsedde fall, skall Befälhafvaren på förenämnde Krigsfartyg äga magt att quarhålla det; och i händelse af ett sådant fartygs quarhållande, ju förr desshäldre föra detsamma till de i fjerde artikeln af samma Tractat utmarkte ställen for att undergå ransakning och dom. De fartyg på hvilka ej finnas Slafvar ämnade till handel skola ej querhållas under något skäl eller förewändning som hälst.

Negrer som i egenskap af betjenter eller sjömän befinna sig om bord på förenämnde fartyg kunna i ingen handelse anses såsom en gällande anledning till dess quarhållande.

2°. Alla de gånger, som ett Kongl. härtill beordradt Krigs Skepp möter ete handels fartyg som är visitation underkastadt, skall denna ske på det mäst höfliga sätt, och med iagttagande af all den upmarksamhet som tvenne förenade och vänskapliga nationer äro hvarandra sins emellan skyldige. I ingen händelse kan en sådan undersökning verkställas af en officer som innehar mindre grad än Lieutenant vid Flottan.

3°. De Kongl. Krigs Skepp härtill utsedde som komma att quarhålla et handels fartyg, enligt ordalydelsen af dessa Instructioner skola lemna om bord hela lasten utan att röra den samma åfvensom Styrmannen och åtminstone en del af fartyget besättning.

Den Befälhafvare som verkställer en sådan upbringning, skall skriftesligen aflemna en Embets förklaring innehållande det tillstånd i hvilket han funnit det quarhållne fartyget och de förändringar som dervid hafva kunnat tilldraga sig.

Han skall tillika aflemna till Styrmannen på det quarhållna fartyget en underskrifven förteckning på de om bord fundne papper, åfvenson på

antalet af de Slafvar, ſom derå voro befintlige vid ögonblicket af fartygets upbringning.

Negrerne ſkola ej utſkeppas förr ån de fartyg på hvilka de åro om bord ankomma till den ort hvareſt lagligheten af deras upbringning bör afdömas.

Om likväl gällande orſaker, hämtade af reſans längd eller Negrernes helſotilſtånd, eller andra omſtändigheter, fordra att de blifva utſkeppade, vare ſig alla eller till en del, kan Befälhafvaren af det Krigs Skep ſom verkſtällt upbringningen på egen ansvarighet företaga en ſådan utlaſtning, allenaſt att nödvändigheten deraf beſtyrkes genom ett bevis i gällande form.

Inſtruction för de Kongelige Svenſke og Norſke ſamt Stor Britanniſke Krigs Skibe, der anvendes til at forekomme Slavehandelen.

1°. Ethvert Kongeligt Svenſk og Norſk eller Kongl. Stor Britanniſk Krigs Skib, forſynet med denne Inſtruction, ſkal, i Overeenſtemmelſe med andre og ſjunde Artikler af Tractaten affluttet den ſjette dag i November Maaned, Aar efter Chriſti Födſel Et Tuſende Otte Hundrede og Fire og Tyve, have Rettighed til at underſöge begge Magters handels fartöjer, ſom virkeligen anvendes, eller des ere miſtänkte for at anvendes til Slavehandel; og kunne de foretage denne underſögelſe, undtagen i de Farvande der ere opregnede i tredje Artikel af ſamme Tractat om Slaver befindes inden Borde i den udtrykkelige henſigt at med dem drive Handel, eller at Fartöjet i Almindelighed, befinder ſig i de, i andre og ſjunde Artikel, forudſeede Tilfälde, ſkal den Höiſtbefalende paa ovennämte Krigs Skib have Ret til at ſtandſe det og, i Tilfälde af et ſaadant Fartöjs Standsning, ſaaſnart muligt föra ſamme til de i Tjerde Artikel af ſamma Tractat anförte Steder, for der at underkaſtes underſögelſe og dom. De fartöjer i hvilke ingen til Handel beſtemte Slaver forefindes, ſkulle ej, under hvilkenſom helſt Forevendning eller Aarſag ſtandſes.

Negre, der befinde ſig om Bord paa ovennännte Fartöjer i Egenſkab af Tjenere eller Söemänd kunne i intet Tilfälde begrunde Ret til Skibenes Standsning.

2°. Hvergang et Kongeligt ſaaledes beordret Krigsſkib möder et Handels fartög, ſom er underſögelſe underkaſtet, ſkall denne ſkee paa den höfligſte Maade og med Jagttagelſe af al den Opmörkſamket ſom tvende venſkabelig en forbundne Nationer gjenſidig ere hverandre ſkyldige. En ſaadan Underſögelſe kan i intet Tilfälde ſkee ved en officeer af ringere Grad end en Lieutenants i Marinen.

3°. De hertil beſtemte Kongl. Krigsſkibe hvilke maatte ſtandſe et handels fartöj overeenſtemmende med denne Inſtructions Indhold, ſkulle lade den hele indehavende Ladning blive om Bord i urört Tilſtand, tilligemed Styrmanden og i det mindſte en Deel af Fartöjets beſätning.

Den höjſtbefalende, der iværkſätter en ſaadan opbringelſe ſkal afgive en ſkriftlig Embedsforklaring, indeholdende den Tilſtand, i hvilken han har

forefundet det ſtandſede Fartöj og de Forandringer ſom ſenere derved maatte være indtrufne.

Han ſkal tillige, til Skipperen (Styrmanden) paa det ſtandſede Fartöj afgive en underſkreven Fortegnelſe over de i Beſlag tagne Papirer, ſom og over Antallet af de ſlaver der forefandtes paa den tid Fartöjet blev ſtandſet.

Negrene ſkulle ikke udſkibes forend de Fartöjer paa hvilke de befinde ſig ere ankomne til det ſted hvor Lovligheden af opbringelſen bör bedömmes.

Derſom imidlertid vigtige Aarſager, hemtede enten af Reiſens Längde, Negrenes Sundhedstilſtand, eller af andre Omſtändigheder, fordre, at enten alle, eller en Deel af dem blive udſkibede, da kan den höjsbefalende paa der Kribsſkib, der har foretaget opbringelſen, paa eget An og Tilſvar iværkſätte en ſaadann Udloßning, dog unter Bedingelſe af, at Nödvendigheden heraf bekräftes ved et i lovlig Form, udſtädt Bevis.

Declaration referred to in Article IV.

Déclaration faite par le Plénipotentiaire de Sa Majesté Britannique, au moment de l'échange des ratifications du Traité du 6 Novembre 1824, entre Sa dite Majesté et Sa Majesté Suédoise et Norvégienne, pour la suppression de la Traite des Noirs, par rapport à l'établissement d'une Cour de Justice Mixte à Sierra Leone, comme une possession de Sa Majesté Britannique.

Un traité pour la répression de la Traite des Noirs ayant été conclu entre la Grande Bretagne et la Suède et la Norvège, et signé à Stockholm, le sixième jour de Novembre 1824, et contenant dans le 4me Article, entre autre choses, la stipulation qu'une des Cours de Justice Mixtes dont il y est fait mention "sera établie dans une des possessions de Sa Majesté Britannique sur la côte d'Afrique, laquelle sera nommée à l'échange des ratifications du présent Traité;"

Le soussigné a reçu les ordres de Sa Majesté Britannique de déclarer, à l'époque de l'échange des ratifications du dit Traité, et déclare par les présentes, au nom et de la part du Roi son Maître, que la Colonie de Sierra Leone, sur la côte d'Afrique, est la possession de Sa Majesté Britannique où la dite Cour de Justice Mixte sera établie d'après la teneur du dit Traité.

En foi de quoi le soussigné Plénipotentiaire de Sa

Majesté Britannique a signé la présente Déclaration, et y a fait apposer le cachet de ses armes.

Fait à Stockholm, le vingt-six Février, l'an de Grace 1825.

(L.S.) B. BLOOMFIELD.

Declaration made by the Plenipotentiary of His Britannic Majesty, at the period of the exchange of the ratifications of the Treaty of the 6th November 1824, between His said Majesty and His Swedish and Norwegian Majesty, for the suppression of the Slave Trade, with respect to the establishment of a Mixed Court of Justice at Sierra Leone, as a possession of His Britannic Majesty.

Whereas a treaty for the suppression of the Slave Trade was concluded between Great Britain and Sweden and Norway, and signed at Stockholm on the sixth day of November, 1824; And whereas in the IVth Article of the said Treaty, it is, among other matters, agreed that one of the Mixed Courts of Justice therein described, "shall be established in one of the possessions of His Britannic Majesty on the coast of Africa, which shall be named at the exchange of the ratifications of this Treaty;"

The undersigned has received the commands of His Britannic Majesty to declare, and he does hereby, at the period of the exchange of the ratifications of the said Treaty, declare, in the name and on the part of the King his Master, that the settlement of Sierra Leone on the coast of Africa, is the possession of His Britannic Majesty in which the said Mixed Court of Justice shall be established accordingly.

In witness whereof, the undersigned Plenipotentiary of His Britannic Majesty has signed the present Declaration, and has affixed thereto the seal of his arms.

Done at Stockholm, the twenty-sixth day of February, in the year of our Lord 1825.

(L.S.) B. BLOOMFIELD.

Additional Article to the Treaty concluded at Stockholm, November 6, 1824, *between Great Britain and Sweden, for the prevention of the Traffic in Slaves.—(Signed at Stockholm, June* 15, 1835.)

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Sweden and Norway, having thought fit to agree upon the following further Arrangement, additional to the Treaty concluded between their aforesaid Majesties at Stockholm, on the sixth day of November, one thousand eight hundred and twenty-four, for the prevention of the Trade in Slaves, have named, authorized, and appointed, the following Plenipotentiaries, *ad hoc:*

His Majesty the King of the United Kingdom of Great Britain and Ireland, Sir Edward Cromwell Disbrowe, Knight Grand-Cross of the Royal Hanoverian Guelphic Order, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Sweden and Norway;

And His Majesty the King of Sweden and Norway, the Sieur Gustavus, Count de Wetterstedt, his Minister of State and for Foreign Affairs, Knight Commander of his Orders, Chancellor of his Orders, Knight of the Russian Orders of St. Andrew, of St. Alexander Newsky, and of St. Anne of the first class, Knight of the Order of the Red Eagle of Prussia of the first class, Grand-Cross of the Order of Leopold of Austria, one of the Eighteen of the Swedish Academy:

Who, having exchanged their full powers, found in good form, have agreed upon the following Additional Article:—

Additional Article.

It is hereby agreed between the High Contracting Parties, that in all cases in which a vessel shall, under the above-mentioned Treaty, be detained by their respective cruizers, as having been engaged in the Slave Trade, or as having been fitted out for the purposes thereof, and shall consequently be adjudged and condemned by the Mixed Courts of Commission to be established under that Treaty, the said vessel shall, immediately after its condemnation,

be broken up entirely, and shall be sold in separate parts after having been so broken up.

This Additional Article shall be ratified, and the ratifications thereof shall be exchanged at Stockholm, within six weeks from the day of signature, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed the present Additional Article, and thereunto affixed the seal of their arms.

Done at Stockholm, the fifteenth day of June, in the year of our Lord one thousand eight hundred and thirty-five.

(L.S.) Edwd. Cromwell Disbrowe.
(L.S.) G. Comte de Wetterstedt.

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi de Suède et de Norvège, ayant jugé à propos de convenir d'un Arrangement ultérieur à ajouter au Traité conclu entre leurs dites Majestés à Stockholm, le six Novembre, mil huit cent vingt-quatre, pour la répression de la Traite des Noirs, ont nommé et autorisé des Plénipotentiaires *ad hoc*, savoir :

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Sieur Edward Cromwell Disbrowe, Grand-Croix de l'Ordre des Guelphes, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Suède et de Norvège ;

Et Sa Majesté le Roi de Suède et de Norvège, le Sieur Gustave, Comte de Wetterstedt, son Ministre d'Etat et des Affaires Etrangères, Chevalier Commandeur de ses Ordres, Chancelier de ses Ordres, Chevalier des Ordres de Russie de St. André, St. Alexandre Newsky, et Ste. Anne de la première classe, Chevalier de l'Ordre de l'Aigle Rouge de Prusse de la première classe, Grand-Croix de l'Ordre de Léopold d'Autriche, un des dix-huit de l'Académie Suédoise :

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de l'Article Additionnel suivant :—

Article Additionel.

Il est convenu entre les deux Hautes Parties Contractantes, que toutes les fois qu'un bâtiment est arrêté en exécution du Traité susmentionné, par les croiseurs respectifs, pour s'être livré à la Traite des Noirs, ou comme étant armé pour ce but, et qu'il doit par conséquent être jugé et condamné par les Cours de Justice Mixtes à établir conformément au Traité, le dit bâtiment sera, immédiatement après sa condamnation, entièrement démoli, et les parties en seront séparément vendues après avoir été ainsi démoli.

Cet Article Additionnel sera ratifié, et les ratifications en seront échangées à Stockholm, dans l'espace de six semaines après le jour de la signature, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Article Additionnel, et y ont apposé le cachet de leurs armes.

Fait à Stockholm, le quinze Juin, l'an de Grâce mil huit cent trente-cinq.

(L.S.) Edwd. Cromwell Disbrowe.
(L.S.) G. Comte de Wetterstedt.

TEXAS.

Treaty *between Her Majesty and the Republic of Texas, for the suppression of the African Slave Trade.—Signed at London, November* 16, 1840.

[Ratifications exchanged at London, June 28, 1842.]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, wishing to give fuller effect to the principles which form the basis of the Treaties which have been concluded between Great Britain and several other European Powers for the suppression of the African Slave Trade; and the Republic of Texas being likewise desirous of rendering effectual the fundamental Article in her Constitution, which declares the said trade piracy, have

determined to negotiate and conclude a Treaty for the more effectual extinction of this traffic.

For this purpose Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Texas, have named as their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Henry John Viscount Palmerston, Baron Temple, a Peer of Ireland, a Member of Her Britannic Majesty's Most Honourable Privy Council, a Member of Parliament, Knight Grand Cross of the Most Honourable Order of the Bath, and Her Britannic Majesty's Principal Secretary of State for Foreign Affairs;

And the Republic of Texas, General James Hamilton, &c. &c.

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

Article I. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Texas, engage to prohibit African Slave Trade, either by their respective subjects or citizens, or under their respective flags; or by means of capital belonging to their respective subjects or citizens; and to declare such trade piracy. And the High Contracting Parties further declare, that any vessel attempting to carry on the Slave Trade, shall, by that act alone, lose all right to claim the protection of their flag.

Article II. In order more completely to accomplish the object of the present Treaty, the High Contracting Parties mutually consent, that those ships of their respective navies, which shall be provided with special warrants and orders, according to the form in Annex A to this Treaty, may visit such merchant vessels of either of the High Contracting Parties as may, upon reasonable grounds, be suspected of being engaged in the aforesaid Traffic in Slaves, or of having been fitted out for that purpose; or of having, during the voyage on which they are met with by the said cruizers, been engaged in the aforesaid traffic; and that such cruizers may detain, and send or carry away such ves-

sels, in order that they may be brought to trial in the manner hereinafter agreed upon.

But the above-mentioned right of searching merchant vessels of either of the High Contracting Parties, shall be exercised only by ships of war, whose commanders shall have the rank of captain, or at least that of lieutenant in the navy, unless the command shall, by reason of death or otherwise, be held by an officer of inferior rank; and the commander of such ship of war shall be furnished with a warrant according to the form annexed to this Treaty, letter A; and the said right shall not be exercised within the Mediterranean Sea, nor within those seas in Europe which lie without the Straits of Gibraltar, and to the northward of the 37th parallel of north latitude, and within and to the eastward of the meridian of longitude, twenty degrees west of Greenwich; nor in the Gulf of Mexico, to the northward of the 25th parallel of north latitude; nor to the westward of the 90th degree of longitude, west of Greenwich.

Article III. Each of the High Contracting Parties reserves to itself the right to fix, according to its own convenience, the number of the ships of its navy, which shall be employed on the service mentioned in the Second Article of this Treaty, and the stations on which such ships shall cruize.

The names of the ships so to be employed, and of their commanders, shall be communicated by each Contracting Party to the other; and information shall be reciprocally given by each to the other, when a cruizer is moved from or to a cruizing station; in order that the necessary warrants for the cruizers may be delivered by the Government of either party, as the case may be; and may, when no longer wanted for use under this Treaty, be returned to the Government which issued them, by the Government which received them.

Article IV. Immediately after the Government which employs the cruizers shall have notified to the Government which is to authorize the visit, the number and names of the cruizers intended to be employed, the warrants authorizing the visit shall be made out according to the form annexed to this Treaty, letter A; and shall be delivered by

the Government authorizing the visit, to the Government employing the cruizer.

In no case shall the right of mutual visit be exercised upon the ships of war of either nation.

The High Contracting Parties shall agree upon a particular signal, to be used by those cruizers exclusively, which are invested with the right of visit.

Article V. The cruizers of the High Contracting Parties authorized to exercise the right of visit and detention in execution of this Treaty, shall, in all that relates to the formalities of the visit and of the detention, as well as in regard to the measures to be taken for delivering up to the proper jurisdictions, vessels suspected of being engaged in the Slave Trade, conform strictly to the Instructions annexed to the present Treaty, letter B.

The High Contracting Parties reserve to themselves the power of making in these Instructions, by common consent, any alterations which circumstances may render necessary.

The cruizers of the High Contracting Parties shall afford to each other mutual assistance, on all occasions when it may be useful that they should act in concert.

Article VI. Whenever a merchant vessel, navigating under the flag of either of the Contracting Parties, shall have been detained by a cruizer of the other, duly authorized to that effect, conformably to the provisions of this Treaty, such merchant vessel, as also her master, her crew, her cargo, and the Slaves who may be on board of her, shall be carried to such place as shall have been appointed to that end by the Contracting Parties respectively; and they shall be delivered over to the authorities appointed for that purpose by the Government within whose territory such place shall be, to be proceeded against before the proper Tribunals, as hereinafter directed.

When the commander of the cruizer shall not think proper to take upon himself to carry in and deliver up the detained vessel, he shall not entrust that duty to an officer below the rank of lieutenant in the navy, unless it be to the officer who, at the time, shall not be lower than third in command of the detaining ship.

Article VII. If the commander of a cruizer of either of the Contracting Parties shall have reason to suspect that a merchant vessel navigating under convoy of, or in company with, a ship of war of the other Contracting Party, has been engaged in the Slave Trade, or has been fitted out for the said trade, he is to make known his suspicions to the commander of the ship of war, who shall proceed alone to visit the suspected vessel; and if the last-mentioned commander shall find that the suspicion is well founded, he shall cause the vessel, together with her master, her crew, and the cargo, and the Slaves who may be on board of her, to be taken into a port of her own nation, to be proceeded against before the proper Tribunals, as hereinafter directed.

Article VIII. As soon as any merchant vessel detained and sent in for adjudication, shall arrive at the port to which she is to be carried under the provisions of Annex B to this Treaty, the commander of the cruizer which shall have detained her, or the officer appointed to bring her in, shall deliver to the authorities appointed for that purpose, a copy, signed by himself, of all the lists, declarations, and other documents specified in the Instructions which are annexed to the present Treaty, letter B; and the said authorities shall, in consequence, proceed to a survey of the detained vessel and her cargo, and to an inspection of her crew, and of the Slaves who may be on board, after having previously given notice of the time of such survey and inspection, to the commander of the cruizer, or to the officer who shall have brought in the vessel, in order that he, or some person on his behalf, may be present thereat.

A declaration of these proceedings shall be drawn up in duplicate, signed by the persons who shall have acted therein, or who shall have been present at the same; and one of the said declarations shall be delivered to the commander of the cruizer, or to the officer who shall have been appointed to bring in the detained vessel.

Article IX. Any merchant vessel of either of the High Contracting Parties, which shall be visited and detained in pursuance of the provisions of this Treaty, shall, unless proof be given to the contrary, be deemed to have been engaged in the African Slave Trade, or to have been fitted out

for the purposes of such traffic, if any of the particulars hereinafter specified shall be found in her outfit or equipment, or to have been on board during the voyage in which the vessel was proceeding when captured, videlicet :—

First. Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

Secondly. Divisions or bulkheads in the hold or on deck, in greater number than are necessary for vessels engaged in lawful trade.

Thirdly. Spare plank fitted for being laid down as a second or slave deck.

Fourthly. Shackles, bolts, or handcuffs.

Fifthly. A larger quantity of water in casks or in tanks than is requisite for the consumption of the crew of the vessel as a merchant vessel.

Sixthly. An extraordinary number of water-casks, or of other receptacles for holding liquid; unless the master shall produce a certificate from the custom-house at the place from which he cleared outwards, stating that sufficient security had been given by the owners of such vessel, that such extra quantity of casks or of other receptacles, should only be used to hold palm-oil, or for other purposes of lawful commerce.

Seventhly. A greater quantity of mess tubs or kids than are requisite for the use of the crew of the vessel as a merchant vessel.

Eighthly. A boiler, or other cooking apparatus, of an unusual size, and larger, or fitted for being made larger, than requisite for the use of the crew of the vessel as a merchant vessel; or more than one boiler, or other cooking apparatus, of the ordinary size.

Ninthly. An extraordinary quantity of rice, of the flour of Brazil manioc, or cassada, commonly called farina, of maize, or of Indian corn, or of any other article of food whatever, beyond what might probably be requisite for the use of the crew; such rice, flour, maize, Indian corn, or other article of food, not being entered in the manifest, as part of the cargo for trade.

Tenthly. A quantity of mats or matting, greater than is necessary for the use of the vessel as a merchant vessel.

Any one or more of these several things, if proved to

have been found on board, or to have been on board during the voyage on which the vessel was proceeding when captured, shall be considered as *primâ facie* evidence of the actual employment of the vessel in the African Slave Trade, and the vessel shall thereupon be condemned and be declared lawful prize, unless clear and incontestible evidence on the part of the master or owners shall establish, to the satisfaction of the Court, that such vessel was, at the time of her detention or capture, employed in some legal pursuit; and that such of the several things above enumerated as were found on board her at the time of her detention, or which had been put on board her during the voyage on which she was proceeding when captured, were needed for legal purposes on that particular voyage.

Article X. A vessel detained as before mentioned, together with her master, crew, and cargo, shall be forthwith proceeded against before the proper Tribunals of the country to which she belongs, and shall be tried and adjudged by and according to the established forms and laws in force in that country; and if, in consequence of such proceedings, the said vessel shall be found to have been employed in the African Slave Trade, or to have been fitted out for the purposes thereof, the vessel and her equipments, and her cargo of merchandize, shall be confiscated; and the master, the crew, and the accomplices, shall be dealt with conformably to the laws by which they have been tried.

If the said vessel shall be confiscated, the proceeds arising from her sale shall, within six months from the date of such sale, be paid into the hands of the Government of the country to which the captor belongs, to be distributed according to law among the officers and crew of the capturing ship.

Article XI. If any of the things specified in Article IX. of this Treaty shall be found on board, or to have been on board of any merchant vessel, during the voyage on which the vessel was proceeding when captured, no compensation for losses, damages, or expenses, consequent upon the detention of such vessel, shall in any case be granted, either to her master or to her owner, or to any other person interested in her equipment or lading, even though sentence of

condemnation should not be pronounced against her, in consequence of her detention.

Article XII. In all cases in which a vessel shall, under this Treaty, be detained as having been engaged in the African Slave Trade, or as having been fitted out for the purposes thereof, and shall be adjudged and confiscated accordingly, the Government whose cruizer detained the vessel, or the Government by whose Tribunal the vessel may be condemned, may purchase the condemned vessel for the use of its navy, at a price to be fixed by a competent person, to be chosen for that purpose by the said Tribunal; the Government whose cruizer detained the condemned vessel having the first choice of purchasing her. But if the condemned vessel shall not be so purchased, the said vessel shall, immediately after the sentence of confiscation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

Article XIII. When a merchant vessel, detained under this Treaty, shall, upon adjudication before the proper Tribunal, be held not to have been engaged in the African Slave Trade, and not to be fitted up for the purposes thereof, she shall be restored to her lawful owner or owners; and if in the course of adjudication it shall be proved that she has been visited and detained illegally, or without sufficient cause of suspicion; or if it shall be proved that the visit and detention have been attended with any abuse or with vexatious acts, the commander of the cruizer, or the officer who shall have boarded the said vessel, or the officer who shall have been appointed to bring her in, and under whom (as the case may be) the abuse or vexatious acts shall have been committed, shall be liable to costs and damages, to be paid to the master and to the owners of the vessel and cargo.

These costs and damages may be awarded by the Tribunal before which the proceedings against the detained vessel, her master, crew, and cargo, shall have been instituted; and the Government of the country to which the officer whose proceedings gave occasion for such award belongs, shall pay the amount of the said costs and damages, within the period of one year from the date of the award.

Article XIV. If in the visit or detention of a merchant

vessel under this Treaty, any abuse or vexation shall have been committed, and if the vessel shall not have been delivered over to the jurisdiction of her own nation, the master of the vessel shall make a declaration, on oath, of the abuses or vexations of which he has to complain, and of the costs and damages to which he lays claim; and this declaration shall be made by him before the competent authorities in the first port of his own country at which he may arrive, or before the consular agent of his own nation at a foreign port, if the vessel shall first proceed to a foreign port where there is such an agent.

This declaration shall be confirmed by an examination, upon oath, of the principal persons among the crew or passengers who have witnessed the visit or detention; and a formal statement of the whole shall be drawn up, and two copies thereof shall be delivered to the master, who shall forward one of them to his own Government, in support of his claims for costs and damages.

It is understood, that if any circumstances should unavoidably prevent the master from making this declaration, it may be made by the owner, or by any other person interested in the vessel and in her cargo.

On receiving officially a copy of the formal statement above mentioned, the Government of the country to which the officer so charged with abuses and vexations shall belong, shall forthwith institute an inquiry into the matter; and if the complaint be proved to be valid, the said Government shall cause to be paid to the master or owner, or to any other person interested either in the vessel which has been molested, or in her cargo, the proper amount of costs and damages.

Article XV. The High Contracting Parties engage reciprocally to communicate each to the other, when asked to do so, and free of expense, copies of proceedings instituted and of judgments given, relative to vessels visited or detained in execution of the provisions of this Treaty.

Article XVI. The High Contracting Parties agree to ensure the immediate freedom of all Slaves who shall be found on board vessels detained and condemned in virtue of the stipulations of the present Treaty; and for this purpose it is agreed, that all Slaves found on board a Texian vessel

detained in the West Indies, shall, if the vessel be condemned by the Texian Tribunals, be delivered over by the Texian to the British authorities, to be conveyed, at the expense of the British Government, to some one of the British Colonies in the West Indies; and in regard to Texian vessels detained on the coast of Brazil, or on the coast of Africa, it is further agreed that, in order that any Slaves found on board such vessels may not be exposed to the sufferings which would attend a voyage to Texas, such Slaves shall, notwithstanding anything to the contrary in Articles VI and VII of this Treaty, be carried or sent at once, by the commander of the capturing cruizer, to one of British Settlements on the coast of Africa,—the vessel herself being sent on to Galveston for adjudication.

Article XVII. The Acts or Instruments annexed to this Treaty, and which it is mutually agreed shall form an integral part thereof, are as follows:—

A. Forms of Warrants to authorize, and of Orders to guide, the cruizers of either nation, in making visits and detentions under this Treaty.

B. Instructions for the cruizers of the repective navies employed under this Treaty to prevent the African Slave Trade.

Article XVIII. The present Treaty, consisting of Eighteen Articles, shall be ratified, and the ratifications thereof shall be exchanged in London in nine months from this date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the Seals of their Arms.

Done at London, the sixteenth day of November, in the year of our Lord one thousand eight hundred and forty.

(L.S.) PALMERSTON. L.S.) J. HAMILTON.

ANNEX A *to the Treaty between Great Britain and the Republic of Texas, for the suppression of African Slave Trade, signed at London, November* 16, 1840.

FORM I.

Warrant, in virtue of which a cruizer of either of the High Contracting Parties may visit and detain a merchant vessel belonging to, or bearing the flag of, the other, and suspected of African Slave Trade, or of being fitted out for it.

Whereas, by a Treaty between Great Britain and the Republic of Texas, signed at London on the 16*th of November*, 1840, *for the total extinction of the African Slave Trade, it was stipulated that certain cruizers belonging to the said countries respectively, should be authorized, under the special Instructions thereto annexed, to visit and detain, within particular limits, merchant vessels of the other Contracting Party, engaged in the African Slave Trade, or suspected of being fitted out for that traffic; and whereas the Government of has thought fit that the vessel you command shall be one of the cruizers furnished with the said special Instructions, and you will accordingly receive Instructions from the said Government for your guidance on the said service: you are therefore authorized and empowered, by virtue of those Instructions, and of this present Warrant, to visit merchant vessels under the flag, suspected of being engaged in the African Slave Trade, within the limits set forth in the* 2nd *Article of the aforesaid Treaty, and to deal with such vessels as shall have engaged in the African Slave Trade, or shall be suspected of being fitted out for that traffic, as pointed out in the said Treaty, and in the Instructions thereunto annexed.*

Given under our hands, and the seal of the Office of Admiralty, this day of 18 .

[Signature.]

To the Commander of the ——— ship the "———."

Form II.

Order for the guidance of the commander of the cruizer of either of the High Contracting Parties, in visiting and detaining a merchant vessel belonging to, or bearing the flag of, the other.

Whereas, by a Treaty between Great Britain and the Republic of Texas, signed at London on the 16th of November, 1840, *for the total extinction of the African Slave Trade, it was stipulated that certain cruizers, belonging to the said countries respectively, should be authorized, under the special Instructions thereto annexed, to visit and detain, within particular limits, merchant vessels of the other Contracting Party engaged in the African Slave Trade, or suspected of being fitted out for that traffic; and whereas we think fit that the vessel you command shall be one of the cruizers furnished with the said special Instructions, we herewith transmit to you a copy of the said Treaty, and of the Instructions thereto annexed: and you are accordingly authorized and empowered, by virtue of this present Order, and of the accompanying Warrant from the Government of , to visit, within the limits set forth in the 2nd Article of the aforesaid Treaty, merchant vessels under the flag, suspected of being engaged in the African Slave Trade, and to deal with such vessels as shall have engaged in the said traffic, or shall be suspected of being fitted out for that traffic, in the manner pointed out in the said Treaty, Instructions, and Warrant; and we charge and require you to conform most strictly to all the provisions and stipulations contained therein, taking care to exercise the authority so conferred upon you in the mildest manner, and with every attention which is due between allied and friendly nations, and to co-operate cordially with the commanders of any vessels of war employed in the same service.*

Given under our hands, the day of 18 .

[Signature.]

To the Commander of the —— — ship the "————."

These Forms of Warrants and Orders shall be annexed to the Treaty signed this day between Great Britain and the Republic of Texas, for the suppression of African Slave Trade, and shall be considered as an integral part of that Treaty.

In witness whereof the respective Plenipotentiaries have signed the present Annex, and have affixed thereto the seals of their arms.

Done at London, the sixteenth day of November, in the year of our Lord one thousand eight hundred and forty.

(L.S.) PALMERSTON. (L.S.) J. HAMILTON.

ANNEX B *to the Treaty between Great Britain and the Republic of Texas, for the suppression of African Slave Trade, signed at London, November* 16, 1840.

Instructions to Cruizers.

First. Whenever a merchant vessel belonging to, or bearing the flag of, either of the High Contracting Parties to the Treaty of this date, shall be visited by a cruizer of the other, the officer commanding the cruizer shall, before he proceeds to the visit, exhibit to the master of such vessel the special Orders which confer upon him, by exception, the right to visit her; and he shall deliver to such master a certificate, signed by himself, specifying his rank in the navy of his country, with the name of the ship which he commands; and declaring that the only object of his visit is to ascertain whether the vessel is engaged in the African Slave Trade, or is fitted out for the purpose of such traffic, or has been engaged in the said traffic during the voyage in which she is met with by the said cruizer. When the visit is made by an officer of the cruizer other than her commander, such officer shall not be under the rank of lieutenant in the navy, unless he be the officer who at the time is second in command of the ship by which the visit is made; and in these cases such officer shall exhibit to the master of the merchant vessel, a copy of the special Orders above-mentioned, signed by the commander of the cruizer;

and shall likewise deliver to such master a certificate, signed by himself, specifying the rank which he holds in the navy of his country, the name of the commander under whose orders he is acting, the name of the cruizer to which he belongs, and the object of his visit as hereinbefore recited.

If it shall be ascertained by the visit that the ship's papers are regular, and her proceedings lawful, the officer shall certify upon the log-book of the vessel, that the visit took place in virtue of the special Orders above-mentioned; and these formalities having been completed, the vessel shall be permitted to continue her course.

Secondly. If in consequence of the visit, the officer commanding the cruizer shall be of opinion that there are sufficient grounds for believing that the vessel is engaged in the African Slave Trade, or has been fitted out for that traffic, or has been engaged in that traffic during the voyage in which she is met with by the cruizer; and if he shall in consequence determine to detain her, and to have her delivered up for adjudication, he shall forthwith cause a list to be made out, in duplicate, of all the papers found on board, and he shall sign this list, and the duplicate, adding, after his own name, his rank in the navy, and the name of the vessel under his command.

He shall in like manner make out and sign, in duplicate, a declaration, stating the place and time of the detention, the name of the vessel and that of her master, the names of the persons composing her crew, and the number and condition of the Slaves found on board.

This declaration shall further contain an exact description of the state of the vessel, and of her cargo.

Thirdly. The commander of the cruizer shall without delay carry or send the detained vessel, with her master, crew, passengers, cargo, and the Slaves found on board, to one of the ports or places hereinafter specified, in order that proceedings may be instituted in regard to them, conformably to the laws of the country under whose flag the vessel is sailing; and he shall deliver the same to the competent authorities, or to the persons who shall have been specially appointed for that purpose by the Government within whose territory such port or place shall be.

Fourthly. No person whatever shall be taken out of the

detained vessel; nor shall any part of her cargo, nor any of the Slaves found on board, be removed from her, until after such vessel shall have been delivered over to the authorities of her own nation; excepting in the cases otherwise provided for in the Treaty to which these Instructions form an Annex, or in the present Instructions; or unless the removal of the whole or of part of the crew or of the Slaves found on board, shall be deemed necessary, either for the preservation of their lives or from any other consideration of humanity, or for the safety of the persons who shall be charged with the navigation of the vessel after her detention. In any such case, the commander of the cruizer, or the officer appointed to bring in the detained vessel, shall make a declaration of such removal, in which he shall specify the reasons for the same; and, except as otherwise provided for with respect to Slaves, in the said Treaty, or in these Instructions, the masters, sailors, passengers, or Slaves, so removed, shall be carried to the same port or place as the vessel and her cargo, and they shall be received in the same manner as the vessel, agreeably to the regulations hereinafter set forth.

Fifthly. All Texian vessels which shall be detained by the cruizers of Great Britain, in consquence of being engaged in the African Slave Trade, shall be carried and delivered up to the Texian jurisdiction at Galveston. But any Slaves found on board of Texian vessels detained on the coast of Brazil or on the coast of Africa, whether by a British or by a Texian cruizer, under the Treaty to which these Instructions form an Annex, shall at once be carried or sent by the commander of the capturing cruizer, to one of the British settlements on the coast of Africa. And any Slaves found on board of Texian vessels detained in the West Indies, whether by a British or a Texian cruizer, under the Treaty to which these Instructions form an Annex, shall, together with the vessels so detained, be carried and delivered up to the Texian authorities at Galveston, to be disposed of after adjudication, according to the provisions of the said Treaty.

All British vessels which shall be detained by the cruizers of Texas, in consequence of being engaged in the African Slave Trade, shall, together with the Slaves found

on board, be carried and delivered up to the British jurisdiction at Bathurst, on the river Gambia, if taken off the coast of Africa; or at Port Royal in Jamaica, if taken in the West Indies.

Sixthly. As soon as a merchant vessel which shall have been detained as aforesaid, shall arrive at one of the ports or places above-mentioned, the commander of the cruizer, or the officer appointed to bring in such detained vessel, shall forthwith deliver to the authorities, duly appointed for that purpose by the Government within whose territory such place shall be, the vessel and her cargo, together with the master, crew, and passengers, and the Slaves found on board, unless such Slaves shall have been carried or sent to another port or place, as hereinbefore directed; and also the papers which shall have been seized on board the vessel, and one of the duplicate lists of the said papers, retaining the other in his own possession. Such officer shall at the same time deliver to the said authorities one of the declarations made out in duplicate, as hereinbefore specified, adding thereto a statement of any changes which may have taken place from the time of the detention of the vessel to that of the delivery, as well as a copy of the statement of any removals which may have taken place, as above provided for.

In delivering over these several documents, the officer shall make, in writing and on oath, an attestation of their truth.

Seventhly. If the commander of a cruizer of either of the High Contracting Parties, who shall be duly furnished with the aforesaid special Instructions, shall have reason to suspect that a merchant vessel, sailing under convoy of, or in company with, a ship of war of the other party, is engaged in the African Slave Trade, or has been fitted out for the purpose of that traffic, or has been engaged in the said traffic during the voyage in which she is met with by the said cruizer, he shall confine himself to communicating his suspicions to the commander of the ship of war; and he shall leave it to the latter to proceed alone to visit the suspected vessel, and to deliver her up to the jurisdiction of her own country, if there should be cause for doing so.

These Instructions shall be annexed to the Treaty signed this day between Great Britain and the Republic of Texas, for the suppression of African Slave Trade, and shall be considered as an integral part of that Treaty.

In witness whereof, the respective Plenipotentiaries have signed the present Annex, and have affixed thereto the seals of their arms.

Done at London, the sixteenth day of November, in the year of our Lord one thousand eight hundred and forty.

(L.S.) PALMERSTON. (L.S.) J. HAMILTON.

TUSCANY.

CONVENTION *between Her Majesty, the King of the French, and the Grand Duke of Tuscany, containing the Accession of the Grand Duke of Tuscany to two Conventions between Great Britain and France, for the more effectual suppression of the Slave Trade.—Signed at Florence, November* 24, 1837.

[Ratifications exchanged at Florence, March 2, 1838.]

His Majesty the King of the United Kingdom of Great Britain and Ireland, and his Majesty the King of the French, having concluded on the 30th of November, 1831, and the 22nd of March, 1833, two Conventions, intended to ensure the complete suppression of the Slave Trade;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, conformably to the IXth Article of the first of these Conventions, which states that the other Maritime Powers shall be invited to accede to it, have addressed this invitation to His Imperial and Royal Highness the Grand Duke of Tuscany;

And His Imperial and Royal Highness, animated with the same sentiments, and earnest to concur with his two August Allies in the same humane object, having without hesitation assented to their proposal;

The three High Contracting Parties, with the view of accomplishing this generous design, and of giving due authenticity and all accustomed solemnity to the accession of His Imperial and Royal Highness the Grand Duke of Tus-

cany, and to the acceptance thereof by Her Britannic Majesty, and by His Majesty the King of the French, have resolved to conclude to this effect a formal Convention, and have, in consequence, named for their Plenipotentiaries, that is to say;—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Ralph Abercrombie, Esquire, Her Minister resident at the Court of His Imperial and Royal Highness the Grand Duke of Tuscany;

His Majesty the King of the French, Monsieur Louis Pierre Vincent Gabriel Bellocq, Master of the Requests in the Council of State, in Extraordinary, Officer of the Royal Order of the Legion of Honour, Knight of the Order of the Lion of Holland, Minister resident of His said Majesty at the Court of His Imperial and Royal Highness the Grand Duke of Tuscany;

And His Imperial and Royal Highness the Grand Duke of Tuscany, the Count Victor Fossombroni, Knight of the Order of St. Stephen and Grand Cross of that of St. Joseph of Tuscany, Grand Cross of the Order of Saints Maurice and Lazarus of Sardinia, of those of Leopold of Austria, of the Royal Crown of Saxony, of St. George of Parma, and of St. Ferdinand and of Merit of the Two Sicilies, Officer of the Royal Order of the Legion of Honour of France, Chamberlain, Privy Councillor of State, Finance, and War, Secretary of State, Minister of Foreign Affairs, and Principal Director of the Royal Secretary Offices:—

Who, after having reciprocally communicated to each other their full powers, found to be in good and due form, have agreed upon the following Articles:—

Article I. His Imperial and Royal Highness the Grand Duke of Tuscany accedes to the Conventions concluded and signed on the 30th of November, 1831, and on the 22nd of March, 1833, between His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, relating to the suppression of the Slave Trade, as well as to the Annex of the latter Convention, containing Instructions to Cruizers,—excepting the reservations and modifications expressed in the IInd, IIIrd, and IVth Articles hereinafter given, which Articles shall be considered additional to the said Conventions, and to the Annex above mentioned; and excepting the

differences which necessarily result from the situation of His Imperial and Royal Highness the Grand Duke of Tuscany, as Party acceding to the Conventions in question after their conclusion.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, having accepted the said accession, all the Articles of these two Conventions, and all the conditions of the said Annex, shall, in consequence, be held to have been concluded and signed in the same manner as the present Convention, directly between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the King of the French, and His Imperial and Royal Highness the Grand Duke of Tuscany.

The three High Contracting Parties, engage and promise reciprocally to each other to execute faithfully all the clauses, conditions, and obligations of the present Convention, subject always to the reservations and modifications therein contained; and in order to prevent any uncertainty, it has been agreed that the above mentioned Conventions, and the Annex of the latter, containing Instructions to cruizers, shall be inserted here, word for word, as follows:

[Here follow the Conventions of November 30, 1831, and March 22, 1833, and the Annex, containing the Instructions to cruizers, which have already been laid before Parliament.]

Article II. It is agreed with reference to the Vth Article of the Instructions annexed to the Supplementary Convention of the 22nd of March, 1833, that all vessels bearing the Tuscan flag, and appearing by their papers to belong to Tuscany, which shall be detained in execution of the Conventions above transcribed, by the cruizers of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, or of His Majesty the King of the French, employed on the stations of America, Africa, or Madagascar, shall be conducted or sent to the port of Leghorn.

Article III. Whereas the landing at the port of Leghorn of the Slaves who may be found on board vessels bearing the Tuscan flag, and appearing by their papers to belong to Tuscany, might be attended with great inconve-

nience, it is agreed that the Slaves found on board such vessel, detained by a British or French cruizer, shall be previously landed at the nearest port or place, whether British or French, to which a slave vessel under the flag of one of those two nations, found and detained under similar circumstances, would, according to the above-mentioned Conventions, be conducted or sent. The British ports of Bathurst on the Gambia, Port Royal in Jamaica, the Cape of Good Hope, and Demerara, as well as the French ports of Goree, Martinique, Bourbon, and Cayenne, shall be considered as respectively fixed on for this purpose, for the British and French cruizing stations on the coasts of Africa, the West Indies, Madagascar, and the Brazils.

Article IV. If His Imperial and Royal Highness the Grand Duke of Tuscany, should not deem it expedient to fit out cruizers of his own for the suppression of the trade, he nevertheless engages to furnish the special authority or warrant required by the Vth Article of the Convention of the 30th of November, 1831, to the commanders of the British and French cruizers as soon as the names and the number thereof shall have been notified to him.

Article V. The present Convention shall be ratified, and the Ratifications thereof shall be exchanged at Florence, within the space of three months, or sooner if possible.

In witness whereof, the above-named Plenipotentiaries have signed the present Convention in three originals, and have affixed thereto the seal of their arms.

Done at Florence, the twenty-fourth day of November, one thousand eight hundred and thirty-seven.

R. ABERCROMBIE. (L.S.) L. BELLOCQ. (L.S.) V. FOSSOMBRONI. (L.S.)

SA Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, ayant conclu le 30 Novembre, 1831, et le 22 Mars, 1833, deux Conventions destinées à assurer la repression complête de la Traite des Noirs;

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, con-

formément à l'Article IX de la première de ces Conventions, qui porte que les autres Etats Maritimes seront invités à y accéder, ont adressé cette invitation à Son Altesse Impériale et Royale le Grand Duc de Toscane;

Et Son Altesse Impériale et Royale, animée des mêmes sentimens et empressée de concourir avec ses deux Augustes Alliés au même but d'humanité, n'ayant pas hésité à accueillir leur proposition;

Les Trois Hautes Parties Contractantes, dans la vue d'accomplir ce dessein généreux, et pour donner à l'accession de Son Altesse Impériale et Royale le Grand Duc de Toscane, ainsi qu'à son acceptation par Sa Majesté Britannique, et par Sa Majesté le Roi des Français, l'authenticité convenable, et toute la solennité usitée, ont résolu de conclure à cet effet une Convention formelle, et ont en conséquence nommé pour leurs Plénipotentiaires, savoir:—

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne, et d'Irlande, Monsieur Ralph Abercrombie, son Ministre Résident près la Cour de Son Altesse Impériale et Royale le Grand Duc de Toscane;

Sa Majesté le Roi des Français, Monsieur Louis Pierre Vincent Gabriel Bellocq, Maitre des Requêtes au Conseil d'Etat en service Extraordinaire, Officier de l'Ordre Royal de la Légion d'Honneur, Chevalier de l'Ordre du Lion Néerlandais, Ministre Résident de Sa dite Majesté près la Cour de Son Altesse Impériale et Royale le Grand Duc de Toscane;

Et Son Altesse Impériale et Royale le Grand Duc de Toscane, le Comte Victor Fossombroni, Chevalier de l'Ordre de Saint Etienne et Grand Croix de celui de Saint Joseph de Toscane, Grand Croix de l'Ordre des Saints Maurice et Lazare de Sardaigne, de ceux de Léopold d'Autriche, de la Couronne Royale de Saxe, de Saint Georges de Parme, et de Saint Ferdinand et du Mérite des Deux Siciles, Officier de l'Ordre Royal de la Légion d'Honneur de France, Chambellan, Conseiller Intime Actuel d'Etat, Finances, et Guerre, Secrétaire d'Etat, Ministre des Affaires Etrangères et Premier Directeur des Secrétaireries Royales:—

Lesquels, après s'être communiqués réciproquement leurs Pleinspouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans:—

ARTICLE I. Son Altesse Impériale et Royale le Grand Duc de Toscane accède aux Conventions conclues et signées le 30 Novembre, 1831, et le 22 Mars, 1833, entre Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, relativement à la repression de la Traite des Noirs, ainsi qu'à l'Annexe de la seconde Convention, contenant les Instructions pour les Croiseurs,—sauf les réserves et modifications exprimées dans les Articles II, III, et IV, ci-après, qui seront considérés comme additionnels aux dites Conventions, et à l'Annexe susmentionnée; et sauf les différencesqui résultent nécessairement de la situation de Son Altesse Impériale et Royale le Grand Duc de Toscane, comme Partie accédante aux Conventions en question après leur conclusion.

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, ayant accepté la dite accession, tous les Articles de ces deux Conventions et toutes les dispositions de la dite Annexe, seront, en conséquence, censés avoir été conclus et signés, de même que la présente Convention, directement entre Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté le Roi des Français, et Son Altesse Impériale et Royale le Grand Duc de Toscane.

Les trois Hautes Parties Contractantes s'engagent et promettent réciproquement d'exécuter fidèlement, sauf les réserves et modifications stipulées par les présentes, toutes les clauses, conditions, et obligations qui en résultent; et pour éviter toute incertitude, il a été convenu que les susdites Conventions ainsi que l'Annexe de la seconde, contenant les Instructions pour les Croiseurs, seront insérés ici, mot à mot, ainsi qu'il suit:—

[Here follow the Conventions of November 30, 1831, and March 22, 1833, and the Annex, containing the Instructions to Cruizers, which have already been laid before Parliament.]

Article II. Il est convenu en ce qui concerne l'Article V des Instructions annexées à la Convention Supplémentaire du 22 Mars, 1833, que tous les navires portant le pavillon Toscan, et paraissant par leurs Papiers appartenir à la Toscane, qui pourront être arrêtés en exécution des

Conventions ci-dessus transcrites, par les croiseurs de Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, ou de Sa Majesté le Roi des Français, employés dans les stations d'Amérique, d'Afrique, ou de Madagascar, seront conduits ou envoyés dans le port de Livourne.

Article III. Attendu que le débarquement dans le port de Livourne des Nègres qui se trouveraient à bord de bâtimens portant le pavillon Toscan, et paraissant par leurs Papiers appartenir à la Toscane. pourraient entraîner de graves inconvéniens, il est convenu que les Nègres trouvés à bord de pareils navires, arrêtés par un croiseur Britannique ou Français, seront préalablement débarqués au port ou dans l'endroit le plus rapproché, soit Britannique ou Français, auquel un bâtiment Négrier sous le pavillon d'une de ces deux Nations, trouvé et arrêté dans des circonstances semblables, serait, d'après les susdites Conventions, envoyé ou conduit. Seront considérés comme respectivement indiqués à cet effet pour les croisières Britanniques et Françaises d'Afrique, des Indes Occidentales, de Madagascar, et du Brésil, les Ports Britanniques de Bathurst dans le Gambie, Port Royal à la Jamaïque, le Cap de Bonne Espérance, et Demerary, ainsi que les Ports Français de la Gorée, de la Martinique, de Bourbon, et de Cayenne.

Article IV. Dans le cas où Son Altesse Impériale et Royale le Grand Duc de Toscane, ne trouverait pas dans ses convenances d'armer sous son pavillon des croiseurs pour la repression de la traite, il s'engage néanmoins à fournir aux commandans des croiseurs Britanniques et Français l'autorisation requise par l'Article V de la Convention du 30 Novembre, 1831, aussitôt que les noms et le nombre de ces croiseurs lui auront été notifiés.

Article V. La présente Convention sera ratifiée, et les ratifications en seront échangées à Florence, dans le délai de trois mois, ou plus tôt s'il est possible.

En foi de quoi les Plénipotentiaires sus-dénommés ont signé la présente Convention en trois originaux, et y ont apposé le cachet de leurs armes.

Fait à Florence, le vingt-quatre Novembre, mil huit cent trente-sept.

R. Abercrombie.	L. Bellocq.	V. Fossombroni.
(L.S.)	(L.S.)	(L.S.)

*

TWO SICILIES.

CONVENTION *between Her Majesty, the King of the French, and the King of the Two Sicilies, containing the Accession of His Sicilian Majesty to two Conventions between Great Britain and France, for the more effectual suppression of the Slave Trade.—Signed at Naples, February* 14. 1838.

[Ratifications exchanged at Naples, May 4, 1838.]

In the Name of the Most Holy and Indivisible Trinity.

HIS late Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, having concluded on the 30th of November, 1831, and the 22nd of March, 1833, two Conventions intended to ensure the complete suppression of the Slave Trade; the High Contracting Parties, conformably to the IXth Article of the first of these Conventions, which states that the other Maritime Powers shall be invited to accede to it, have addressed this invitation to His Majesty the King of the Kingdom of the Two Sicilies:

And his said Majesty, animated with the same sentiments, and desirous of concurring with his two august Allies in the same humane object, having without hesitation assented to their proposal, the three High Powers, with the view of accomplishing this generous design, and of giving due authenticity and all accustomed solemnity to the accession of His Majesty the King of the Kingdom of the Two Sicilies, and to the acceptance thereof by Her Britannic Majesty and by His Majesty the King of the French, have resolved to conclude to this effect a formal Convention, and have in consequence named for their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable William Temple, Her Envoy Extraordinary and Minister Plenipotentiary at the Court of Naples;

His Majesty the King of the Kingdom of the Two Sicilies, Antoine Statella, Prince of Cassaro, Gentleman of the Chamber in service, Knight Grand Cross of the Orders of St. Ferdinand and of Merit, of St. Januarius, and of Francis the First, Grandee of Spain of the first Class, Knight of the Golden Fleece, Knight Grand Cross of several Foreign Orders, and His Minister Secretary of State for Foreign Affairs;

And His Majesty the King of the French, M. Auguste Bonaventure, Marquis de Tallenay, Officer of the Royal Order of the Legion of Honour, and of the Order of Leopold of Belgium, his Chargé d'Affaires at the Court of Naples;—

Who, after having reciprocally communicated to each other their full powers, found to be in good and due form, have agreed upon the following Articles:—

Article I. His Majesty the King of the Kingdom of the Two Sicilies accedes to the Conventions concluded and signed on the 30th of November, 1831, and on the 22nd of March, 1833, between His late Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, relating to the suppression of the Slave Trade, as well as to the Annex of the latter Convention, containing the Instructions for the cruizers; excepting the reservations and modifications expressed in the IInd, IIIrd, and IVth Articles hereinafter given, which Articles shall be considered additional to the said Conventions, and to the Annex above-mentioned; and excepting the differences which necessarily result from the situation of His Majesty the King of the Kingdom of the Two Sicilies, as a party acceding to the Conventions in question after their conclusion. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, having accepted the said accession, all the Articles of these two Conventions, and all the conditions of the said Annex, shall, in consequence, be held to have been concluded and signed, in the same manner as the present Convention, directly between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the King of the French, and His Majesty the King of the Kingdom of the Two Sicilies.

Their said Majesties engage and promise reciprocally to each other to execute faithfully all the clauses, conditions, and obligations of the present Convention, subject always to the reservations and modifications therein contained; and in order to prevent any uncertainty, it has been agreed that the above-mentioned Conventions, as well as the

Annex of the latter Convention, containing Instructions to Cruizers, shall be inserted here word for word as follows:—

[Here follow the Conventions of November 30, 1831, and March 22, 1833, and the Annex containing the Instructions to Cruizers, which have already been laid before Parliament.]

Article II. It is agreed, with reference to Article III of the Convention of the 30th Novvember, 1831, herein above transcribed, that His Majesty the King of the Kingdom of the Two Sicilies shall fix, according to his convenience, the number of cruizers of the Two Sicilies which shall be employed on the service mentioned in the said Article, and the stations on which they shall cruise.

Article III. The Government of His Majesty the King of the Kingdom of the Two Sicilies shall make known to the Governments of Great Britain and of France, conformably to Article IV of the Convention of the 30th November, 1831, the ships of war of the Two Sicilies which are to be employed in the suppression of the Trade, in order that the necessary warrants for their Commanders may be delivered.

The warrants which are to be delivered by the Government of the Two Sicilies, shall be issued after notification of the number of British and French cruizers intended to be employed, shall have been made to it.

But if the Government of His Majesty the King of the Kingdom of the Two Sicilies, shall not find it convenient to commission cruizers under the flag of the Two Sicilies for the suppression of the Slave Trade, it engages nevertheless to furnish warrants to the commanders of the British and French cruizers, to be employed on this service, as soon as the names and destination of such cruizers are officially notified to it, as above stipulated.

Article IV. It is agreed, with reference to the 5th paragraph of the Instructions annexed to the Supplementary Convention of March the 22nd, 1833, that all vessels of the Two Sicilies, or vessels bearing the Sicilian flag, and appearing by their papers to belong to the Two Sicilies, which shall be detained in execution of the Conventions

above transcribed, by the cruizers of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, or of His Majesty the King of the French, employed on the stations of America, Africa, and Madagascar, shall be conducted or sent to the port of Naples.

Article V. Whereas the landing at the port of Naples of the Slaves who may be found on board vessels bearing the flag of the Two Sicilies, and appearing by their papers to belong to the Two Sicilies, might be attended with great inconvenience, it is agreed, that the Slaves found on board such vessels, detained by a British or French cruizer, shall be previously landed at the nearest port or place, whether British or French, to which a slave vessel under the flag of one of those two nations, found and detained under similar circumstances, would, according to the above-mentioned Conventions, be conducted or sent. The British ports of Bathurst on the Gambia, Port Royal in Jamaica, the Cape of Good Hope, and Demerara, as well as the French ports of Goree, Martinique, Bourbon, and Cayenne, shall be considered as respectively fixed on for this purpose, for the British and French stations on the coast of Africa, the West Indies, Madagascar, and the Brazils.

Article VI. The present Convention shall be ratified, and the ratifications thereof shall be exchanged at Naples, at the expiration of three months, or sooner if possible.

In witness whereof the above-named Plenipotentiaries have signed the present Convention, in three Originals, and have affixed thereto the seal of their arms.

Done at Naples. the fourteenth of February, one thousand eight hundred and thirty-eight.

(L.S.) W. Temple.
(L.S.) Le Prince de Cassaro.
(L.S.) Aug. de Tallenay.

Au nom de la très Sainte et Indivisible Trinité.

Feu Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, ayant conclu le 30 Novembre, 1831, et le 22 Mars, 1833, deux Conventions destinées à assurer la répression com-

plète de la Traite des Noirs; Les Hautes Parties Contractantes, conformément à l'Article IX de la première de ces Conventions, qui porte que les autres Puissances Maritimes seront invitées à y accéder, ont adressé cette invitation à Sa Majesté le Roi du Royaume des Deux Siciles:

Et Sa dite Majesté, animée des mêmes sentimens, et empressée de concourir avec ses deux augustes Alliés au même but d'humanité, n'ayant pas hésité à accueillir leur proposition, les trois Hautes Puissances, dans la vue d'accomplir ce dessein généreux, et pour donner à l'accession de Sa Majesté le Roi du Royaume des Deux Siciles, ainsi qu'à son acceptation par Sa Majesté Britannique, et par Sa Majesté le Roi des Français, l'authenticité convenable et toute la solennité usitée, ont résolu de conclure à cet effet une Convention formelle, et ont en conséquence nommé pour leurs Plénipotentiaires, savoir:—

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, l'Honorable William Temple, son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Cour de Naples;

Sa Majesté le Roi du Royaume des Deux Siciles, le Sieur Antoine Statella, Prince de Cassaro, Gentilhomme de la Chambre avec exercice, Chevalier Grand' Croix des Ordres de St. Ferdinand et du Mérite, de St. Janvier, et de François Premier, Grand d'Espagne de la première Classe, Chevalier de la Toison d'Or, Chevalier Grand' Croix de plusieurs Ordres Etrangers, et son Ministre Secrétaire d'Etat des Affaires Etrangères;

Et Sa Majesté le Roi des Français, le Sieur Auguste Bonaventure, Marquis de Tallenay, Officier de l'Ordre Royal de la Légion d'Honneur, et de l'Ordre de Léopold de Belgique, son Chargé d'Affaires près la Cour de Naples;

Lesquels, après s'être communiqué réciproquement leurs Pleins Pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans:—

ARTICLE I. Sa Majesté le Roi du Royaume des Deux Siciles accède aux Conventions conclues et signées le 30 Novembre, 1831, et le 22 Mars, 1833, entre feu Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, relativement

à la répression de la Traite des Noirs, ainsi qu'à l'Annexe de la seconde Convention, contenant les Instructions pour les Croiseurs; sauf les réserves et modifications exprimées dans les Articles II, III, et IV, ci-après, qui seront considérés comme additionnels aux dites Conventions et à l'Annexe sus-mentionnée; et sauf les différences qui résultent nécessairement de la situation de Sa Majesté le Roi du Royaume des Deux Siciles, comme Partie accédante aux Conventions en question après leur conclusion. Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, ayant accepté la dite accession, tous les Articles de ces deux Conventions, et toutes les dispositions de la dite Annexe, seront, en consequence, censés avoir été conclus et signés, de même que la présente Convention, directement entre Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté le Roi des Français, et Sa Majesté le Roi du Royaume des Deux Siciles.

Leurs dites Majestés s'engagent et promettent réciproquement d'exécuter fidèlement, sauf les réserves et modifications stipulées par les présentes, toutes les clauses, conditions, et obligations qui en résultent; et pour éviter toute incertitude, il a été convenu que les susdites Conventions, ainsi que l'Annexe de la seconde Convention contenant les Instructions pour les Croiseurs, seront insérées ici, mot-à-mot, ainsi qu'il suit:—

[Here follow the Conventions of November 30, 1831, and March 22, 1833, and the Annex, containing the Instructions to Cruizers, which have already been laid before Parliament.]

Article II. Il est convenu, relativement à l'Article III de la Convention du 30 Novembre, 1831, ci-dessus transcrite, que Sa Majesté le Roi du Royaume des Deux Siciles fixera, suivant sa convenance, le nombre des croiseurs des Deux Siciles, qui devront être employés au service mentionné dans le dit Article, et les stations où ils devront établir leurs croisières.

Article III. Le Gouvernement de Sa Majesté le Roi du Royaume des Deux Siciles fera connaître aux Gouverne-

mens de la Grande Bretagne et de France, conformément à l'Article IV de la Convention du 30 Novembre, 1831, les bâtimens de guerre des Deux Siciles qui devront être employés à la répression de la traite, afin que les mandats nécessaires à leurs commandans soient délivrés.

Les mandats qui devront être délivrés par le Gouvernement des Deux Siciles, seront remis après que la notification du nombre des croiseurs Britanniques et Français destinés à être employés, lui aura été faite.

Mais si le Gouvernement de Sa Majesté le Roi du Royaume des Deux Siciles, ne trouvait pas convenable d'envoyer des bâtimens croiseurs sous le pavillon des Deux Siciles pour la répression de la Traite des Noirs, il s'engage néanmoins à fournir aux commandans des croiseurs Anglais et Français qui doivent être employés à ce service, les mandats nécessaires, aussitôt que les noms et la destination de ces croiseurs lui seront officiellement notifiés, ainsi qu'on l'a stipulé plus haut.

Article IV. Il est convenu, en ce qui concerne le cinquième paragraphe des Instructions annexées à la Convention Supplémentaire du 22 Mars, 1833, que tous les navires des Deux Siciles, ou portant le pavillon des Deux Siciles, et paraissant par leurs papiers appartenir aux Deux Siciles, qui pourront être arrêtés en exécution des Conventions ci-dessus transcrites, par les croiseurs de Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, ou de Sa Majesté le Roi des Français, employés dansles stations d'Amérique, d'Afrique, ou de Madagascar, seront conduits ou envoyés dans le port de Naples.

Article V. Attendu que le débarquement dans le port de Naples des Nègres qui se trouveraient à bord de bâtimens portant le pavillon des Deux Siciles, et paraissant par leurs papiers appartenir aux Deux Siciles, pourrait entraîner de graves inconvéniens, il est convenu, que les Nègres trouvés à bord d'un pareil navire, arrêté par un croiseur Britannique ou Français, seront préalablement débarqués au port ou dans l'endroit le plus rapproché, soit Britannique ou Français, auquel un bâtiment négrier, sous le pavillon d'une de ces deux Nations, trouvé et arrêté dans des circonstances semblables, serait, d'après les susdites Conventions, envoyé ou conduit. Seront con-

sidérés comme respectivement indiqués à cet effet, pour les croisières Britanniques et Françaises d'Afrique, des Indes Occidentales, de Madagascar, et du Brésil, les Ports Britanniques de Bathurst dans le Gambie, Port Royal à la Jamaique, le Cap de Bonne Espérance, et Demerara; ainsi que les Ports Français de la Gorée, de la Martinique, de Bourbon, et de Cayenne.

Article VI. La présente Convention sera ratifiée, et les ratifications en seront échangées à Naples, dans le délai de trois mois, ou plus tôt s'il est possible.

En foi de quoi les Plénipotentiaires sus-dénommés ont signé la présente Convention en trois originaux, et y ont apposé le cachet de leurs armes.

Fait à Naples, le quatorze Février, mil huit cent trente-huit.

(L.S.) W. Temple.
(L.S.) Le Prince de Cassaro.
(L.S.) Aug. de Tallenay.

URUGUAY.

Treaty *between Her Majesty and the Oriental Republic of the Uruguay, for the Abolition of the Traffic in Slaves.* —*Signed at Monte Video, July* 13, 1839.

[Ratifications exchanged at Monte Video, Jan. 21, 1842.]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Excellency the President of the Oriental Republic of the Uruguay being mutually animated by a sincere desire to co-operate for the utter extinction of the barbarous Traffic in Slaves, have resolved to proceed to the conclusion of a Treaty, for the special purpose of immediately attaining this object, so far as relates to the total and final abolition of the Slave Trade of the Oriental Republic of the Uruguay; and have respectively named for this purpose as their Plenipotentiaries, to wit:—

Her Britannic Majesty, John Henry Mandeville, Esquire, Her Minister Plenipotentiary to the United Provinces of the Rio de la Plata;

*

And His Excellency the President of the Republic, Don José Ellauri, Doctor of Law, Minister of the Government, and for Foreign Affairs;

Who, having duly communicated to each other their respective full powers, and found them to be in proper form, have agreed upon and concluded the following Articles:—

ARTICLE I. The Slave Trade of the Oriental Republic of the Uruguay is hereby formally declared to be henceforward totally and finally abolished in all parts of the world.

Article II. The President of the Oriental Republic of the Uruguay hereby engages, that immediately after the exchange of the ratifications of the present Treaty, and from time to time afterwards, as it may become needful, he will take the most effectual measures for preventing the citizens of the Oriental Republic of the Uruguay from being concerned, and the flag of that Republic from being used in carrying on, in any way, the Trade in Slaves; and especially, that within two months after the said exchange, he will promulgate throughout the territories of the Oriental Republic of the Uruguay, a penal law, inflicting a punishment the most severe on all those citizens of that Republic who shall, under whatsoever pretext, take any part whatever in the Traffic in Slaves.

Article III. His Excellency the President of the Oriental Republic of the Uruguay also engages that, in further pursuance of the stipulation contained in the Ist Article of this Treaty, he will take the necessary means for assimilating, as soon as possible, the laws of the Oriental Republic of the Uruguay, to those of Great Britain, in as far as regards the crime of Slave Trading; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Excellency the President of the Oriental Republic of the Uruguay, hereby mutually engage, that, by an Additional Convention hereafter to be concluded between the two High Contracting Parties to the present Treaty, they will concert and settle the details of the measures by which the law of piracy, which will then become applicable to that traffic by the legislation of each of the two countries, shall be immediately and reciprocally carried into execution with respect to the vessels and subjects or citizens of each.

Article IV. In order more completely to prevent all

infringement of the spirit of the present Treaty, the two High Contracting Parties mutually consent, that those ships of their navies respectively, which shall be provided with special Instructions for that purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations, as may be suspected, upon reasonable grounds, of being engaged in the Traffic in Slaves, or of having been fitted out for the purposes thereof, or of having, during the voyage on which they are met with by the said cruizers, been engaged in the Traffic in Slaves, contrary to the provisions of this Treaty; and that such cruizers may detain, and send or carry away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

Article V. In order to regulate the mode of carrying the provisions of the preceding Article into execution, it is agreed:—

1°. That all ships of the navies of the two nations which shall be hereafter employed to prevent the Traffic in Slaves, shall be furnished by their respective Governments with a copy, in the English and Spanish languages, of the present Treaty; of the Instructions for cruizers, annexed thereto, *sub literâ* A; and of the Regulations for the Mixed Courts of Justice, annexed thereto, *sub literâ* B; which Annexes respectively shall be considered as an integral part of the Treaty.

2°. That each of the High Contracting Parties shall from time to time communicate to the other, the names of the several ships furnished with such Instructions, the force of each, and the names of their several commanders.

3°. That if at any time there shall be just cause to suspect that any merchant vessel, under the flag and proceeding under convoy of any ship or ships of war of either of the Contracting Parties, is engaged, or intended to be engaged, in the Traffic in Slaves, or is fitted out for the purposes thereof, or has, during the voyage on which she may be met with, been engaged in the Traffic in Slaves; it shall be lawful for the commander of any ship of the navy of either of the two High Contracting Parties, furnished with such Instructions as aforesaid, to visit such merchant vessel; and such commander shall proceed to effect the

same, in communication with the commanding officer of the convoy, who, it is hereby agreed, shall give every facility to such visit, and to the eventual detention of such merchant vessel; and in all things shall assist, to the utmost of his power, in the due execution of the present Treaty, according to the true intent and meaning thereof.

4°. It is further mutually agreed, that the commanders of the ships of the two navies, respectively, who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid Instructions.

Article VI. As the two preceding Articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects or citizens may incur, by the arbitrary and illegal detention of their vessels; it being understood that this indemnity shall invariably be borne by the Government whose cruizer shall have been guilty of such arbitrary and illegal detention; and that the visit and detention of vessels, specified in the IVth Article of this Treaty, shall only be effected by those British or Monte-Videan ships which may form part of the navies, royal and national respectively, of the two High Contracting Parties to the Treaty; and by those only of such ships which are provided with the special Instructions annexed to the present Treaty, in pursuance of the provisions thereof.

Article VII. In order to bring to adjudication, with as little delay and inconvenience as possible, the vessels which may be detained according to the tenor of the IVth Article of this Treaty, there shall be established, within the space of a year at furthest from the exchange of the ratifications of the present Treaty, two Mixed Courts of Justice, formed of an equal number of individuals of the two nations, named for this purpose by the two High Contracting Parties respectively.

These Courts shall reside, one in a possession belonging to Her Britannic Majesty, the other within the territories of the Oriental Republic of the Uruguay; and the two Governments, at the period of the exchange of the ratifications of the present Treaty, shall declare, each for its own territories, in what places the Courts shall respectively

reside, each of the two High Contracting Parties reserving to itself the right of changing at its pleasure the place of residence of the Court held within its own territories; provided, however, that one of the two Courts shall always be held upon the coast of Africa, and the other in one of the possessions of the Oriental Republic of the Uruguay.

These Courts shall judge the causes submitted to them according to the provisions of the present Treaty, without appeal; and according to the Regulations and Instructions which are annexed to the present Treaty, and which are considered as forming an integral part thereof.

Article VIII. In case the commanding officer of any of the ships of the navies of Great Britain and Monte-Video, respectively, duly commissioned according to the provisions of the IVth Article of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby, shall be entitled to demand reparation; and, in such case, the Government to which such commanding officer may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which may have been committed.

Article IX. It is hereby further mutually agreed, that every merchant vessel, British or Monte-Videan, which shall be visited by virtue of the present Treaty, may lawfully be detained, and sent or brought before the Mixed Courts of Justice, established in pursuance of the provisions thereof, if in her equipment there shall be found any of the things hereinafter mentioned, namely:—

1. Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

2. Divisions or bulkheads in the hold or on deck, in a greater number than are necessary for vessels engaged in lawful trade.

3. Spare plank, fitted for laying down as a second, or slave-deck.

4. Shackles, bolts, or handcuffs.

5. A larger quantity of water, in casks or in tanks, than

is requisite for the consumption of the crew of the vessel as a merchant vessel.

6. An extraordinary number of water casks, or other vessels for holding liquid, unless the master shall produce a certificate from the Custom-house at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel, that such extra quantity of casks or other vessels, should only be used for the reception of palm-oil, or for other purposes of lawful commerce.

7. A greater quantity of mess-tubs or kids, than are requisite for the use of the crew of the vessel as a merchant vessel.

8. A boiler of an unusual size, and larger than requisite for the use of the crew of the vessel as a merchant vessel; or more than one boiler of the ordinary size.

9. An extraordinary quantity either of rice, of the flour of Brazil, manioc, or cassada, commonly called farinha, of maize, or of Indian corn, beyond what might probably be requisite for the use of the crew; such rice, flour, maize, or Indian corn, not being entered on the manifest as part of the cargo for trade.

Any one or more of these several circumstances, if proved, shall be considered as *primâ facie* evidence of the actual employment of the vessel in the Slave Trade; and unless it be established by satisfactory evidence upon the part of the master or owners, that such vessel was, at the time of her detention or capture, employed in some legal pursuit, the vessel shall thereupon be condemned, and declared lawful prize.

Article X. If any of the things specified in the preceding Article shall be found in any merchant vessel, no compensation for losses, damages, or expenses consequent upon the detention of such vessel, shall, in any case, be granted either to her master, or to her owner, or to any other person interested in her equipment or lading, even though the Mixed Court of Justice should not pronounce any sentence of condemnation in consequence of her detention.

Article XI. It is hereby agreed between the two High Contracting Parties, that in all cases in which a vessel

shall be detained under this Treaty, by their respective cruizers, as having been engaged in the Slave Trade, or as having been fitted out for the purposes thereof, and shall, consequently, be adjudged and condemned by the Mixed Courts of Justice to be established as aforesaid, the said vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

Article XII. Each of the High Contracting Parties most solemnly binds itself to guarantee the liberty of the Negroes who may be emancipated under the present Treaty by the Mixed Courts of Justice sitting within the colonies or possessions of such Government: and to afford, from time to time, and whenever demanded by the other party, or by the members of the Mixed Court of Justice by whose sentence the Slaves shall have been liberated, the fullest information as to the state and condition of such Negroes, with a view of insuring the due execution of the Treaty in this respect.

For this purpose the Regulations annexed to this Treaty, *sub literâ* C, as to the treatment of Negroes liberated by sentence of the Mixed Court of Justice, have been drawn up, and are declared to form an integral part of this Treaty: the two High Contracting Parties reserving to themselves the right to alter by common consent and mutual agreement, but not otherwise, the terms and tenor of such Regulations.

Article XIII. The acts or instruments annexed to this Treaty, and which it is mutually agreed shall form an integral part thereof, are as follows:

A. Instructions for the ships of the navies of both nations destined to prevent the Traffic in Slaves.

B. Regulations for the Mixed Courts of Justice, which are to hold their sittings on the coast of Africa, and in one of the possessions of the Oriental Republic of the Uruguay.

C. Regulations as to the treatment of liberated Negroes.

Article XIV. The present Treaty, consisting of fourteen Articles, shall be ratified, and the ratifications thereof exchanged within the space of eight months from this date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed in duplicate originals, English and Spanish, the present Treaty, and have thereunto affixed the seal of their arms.

Done at Monte Video, this thirteenth day of July, in the year of our Lord one thousand eight hundred and thirty-nine.

(L.S.) J. H. MANDEVILLE. (L.S.) JOSE ELLAURI.

ANNEX A *to the Treaty between Great Britain and the Oriental Republic of the Uruguay, for the abolition of the Slave Trade of the Oriental Republic of the Uruguay, of the* 13*th July*, 1839.

Instructions for the Ships of the British and Monte-Videan Navies employed to prevent the Traffic in Slaves.

ARTICLE I. The commander of any ship belonging to the navy of Her Britannic Majesty, or of the Oriental Republic of the Uruguay, which shall be furnished with these Instructions, shall have a right to visit, search, and detain, any British or Monte-Videan merchant vessel which shall be actually engaged, or suspected to be engaged, in the Slave Trade, or to be fitted out for the purposes thereof, or to have been engaged in the Traffic in Slaves during the voyage on which she may be met with by such ship of the British or Monte-Videan navy; and such commander shall thereupon bring or send such merchant vessel, as soon as possible, for judgment before that one of the two Mixed Courts of Justice, established in virtue of the VIIth Article of the said Treaty, which shall be nearest to the place of detention, or which such commander shall, upon his own responsibility, think can be soonest reached from such place.

All and every vessel under the Oriental flag, which shall be actually engaged, or suspected to be or to have been engaged, in the Slave Trade, is to be considered an Oriental vessel: it being mutually understood and agreed, that this is not to serve as a precedent as to what shall

constitute an Oriental vessel, in the discussions which may hereafter be resumed for the negotiation of a treaty of commerce.

Article II. Whenever a ship of either of the said navies, duly authorized as aforesaid, shall meet a merchantman liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of lieutenant in the navies of Great Britain and of the Oriental Republic of the Uruguay, respectively, or by the officer who at the time shall be second in command of the ship by which such search is made.

Article III. The commander of any ship of the two navies, duly authorized as aforesaid, who may detain any merchant vessel in pursuance of the tenour of the present Instructions, shall leave on board the vessel so detained, the master, the mate, or boatswain, and two or three, at least, of the crew thereof; the whole of the Slaves, if any, and all the cargo.

The captor shall, at the time of detention, draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained vessel; such declaration to be signed by himself, and to be given in or sent, together with the captured vessel, to the Mixed Court of Justice, before which such vessel shall be carried for adjudication. He shall deliver to the master of the detained vessel a signed certificate of the papers seized on board the same, as well as of the number of Slaves found on board at the moment of detention.

In the authenticated declaration which the captor is hereby required to make, as well as in the certificate of the papers seized, he shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have taken place, and the number of Slaves found on board of the vessel at the time of the detention.

The officer in charge of the vessel detained shall, at the time of bringing the vessel's papers into the Mixed Court of Justice, deliver in to the Court a paper, signed

by himself and verified on oath, stating the changes which have taken place in respect to the vessel, her crew, the Slaves, if any, and her cargo, between the period of her detention and the time of delivering in such paper.

Article IV. The Slaves shall not be disembarked, till after the vessel which contains them shall have arrived at the place of adjudication, in order that, in the event of her not being adjudged legal prize, the loss of the proprietors may be more easily repaired; and even after the arrival of the Slaves at such place, they are not to be landed without the permission of the Mixed Court of Justice.

But if urgent motives, deduced from the length of the voyage, the state of health of the Slaves, or from other causes, should require that either the whole or a portion of the Negroes should be disembarked before the vessel can arrive at the place at which one of the said Courts is established, the commander of the capturing ship may take upon himself the responsibility of so disembarking the Negroes, provided that such necessity, and the causes thereof, be stated in a certificate in proper form, and that this certificate shall be drawn up and entered at the time on the log-book of the detained vessel.

The undersigned Plenipotentiaries have agreed, in conformity with the XIIIth Article of the Treaty signed by them on this day, the thirteenth of July, one thousand eight hundred and thirty-nine, that the preceding Instructions, consisting of four Articles, shall be annexed to the said Treaty, and be considered an integral part thereof.

Done at Monte Video, the thirteenth day of July, one thousand eight hundred and thirty-nine.

(L.S.) J. H. MANDEVILLE. (L.S.) JOSE ELLAURI.

ANNEX B *to the Treaty between Great Britain and the Oriental Republic of the Uruguay, for the Abolition of the Slave Trade of the Oriental Republic of the Uruguay, of the* 13*th July*, 1839.

Regulations for the Mixed Courts of Justice which are to reside on the Coast of Africa, and in the Possessions of the Oriental Republic of the Uruguay.

ARTICLE I. The Mixed Courts of Justice to be established under the provisions of the Treaty of which these Regulations are declared to be an integral part, shall be composed in the following manner:

The two High Contracting Parties shall each of them name a judge and an arbitrator, who shall be authorized to hear, and to decide without appeal, all cases of the capture or detention of the vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them. The judges and the arbitrators shall, before entering upon the duties of their office, respectively make oath before the principal magistrate of the places in which such Courts respectively shall reside, that they will judge fairly and faithfully; that they will have no preference, either for the claimants or the captors; and that they will act in all their decisions, in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such Courts a secretary or registrar, who shall be appointed by the Government of the country within the territories of which such Court shall reside. Such secretary or registrar shall register all the acts of such Court, and shall, previous to entering upon his office, make oath before the Court to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the secretary or registrar of the Court to be established on the coast of Africa, shall be paid by Her Britannic Majesty; and that of the secretary or registrar of the Court to be established in the possessions of the Ori-

ental Republic of the Uruguay, by the Government of that Republic.

Each of the Governments shall defray half of the aggregate amount of the incidental expenses of such Courts.

Article II. The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, Slaves, and cargo, and with the execution of the sentence, and all disbursements occasioned by bringing a vessel to adjudication; shall, in case of condemnation, be defrayed from the funds arising from the sale of the materials of the vessel after the same shall have been broken up, of the ship's stores, and of such parts of the cargo as shall consist of merchandize; and in case the proceeds arising from this sale should not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor, excepting in the cases specified and otherwise provided for under Article X of the Treaty to which these Regulations form an Annex, and under Article VII of these Regulations.

Article III. The Mixed Courts of Justice are to decide upon the legality of the detention of such vessels as the cruizers of either nation shall, in pursuance of the said Treaty, detain. These Courts shall judge, definitively and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these Courts shall take place as summarily as possible; and for this purpose, the Courts are required to decide each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessel shall have been brought into the port where the deciding Court shall reside.

The final sentence shall not, in any case, be delayed beyond the period of two months, whether on account of the absence of witnesses, or for any other cause, except upon the application of any of the parties interested; in which case, upon such party or parties giving satisfactory security that they will take upon themselves the expense

and risks of the delay, the Courts may, at their discretion, grant an additional delay, not exceeding four months.

Either party shall be allowed to employ such counsel as he may think fit, to assist him in the conduct of his cause.

All the essential parts of the proceedings of the said Courts shall be written down in the language of the country in which they shall respectively reside.

Article IV. The form of the process shall be as follows:—

The judges appointed by the two nations respectively, shall, in the first place, proceed to examine the papers of the detained vessel, and to take the depositions of the master and commander, and two or three, at least, of the principal individuals on board of such vessel; as well as the declaration, on oath, of the captor, should it appear necessary, in order to enable them to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid Treaty; and in order that, according to this judgment, the vessel may be condemned or released.

In the event of the two judges not agreeing as to the sentence which they ought to pronounce in any case brought before them, whether with respect to the legality of the detention, the liability of the vessel to condemnation, or the indemnification to be allowed, or as to any other question which may arise out of the said capture; or in case any difference of opinion should arise between them as to the mode of proceeding in the said Court: they shall draw by lot the name of one of the two arbitrators so appointed as aforesaid, which arbitrator, after having considered the proceedings which have taken place, shall consult with the two above-mentioned judges on the case; and the final sentence or decision shall be pronounced conformably to the opinion of the majority of the three.

Article V. If the detained vessel shall be restored by the sentence of the Court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same Court, claim a valuation of the damages which he may

have a right to demand. The captor himself, and in his default his Government, shall remain responsible for the damages to which the master of such vessel, or the owners of the vessel or of her cargo may be pronounced to be entitled.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the above-named Court; it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject.

Article VI. If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be, with the exception of the Slaves who shall have been brought on board for the purposes of commerce; and the said vessel, subject to the regulations in Article XI of the Treaty of this date, shall, as well as her cargo, be sold by public sale, for the profit of the two Governments, subject to the payment of the expenses hereinbefore mentioned.

The Slaves shall receive from the Court a certificate of emancipation; and shall be delivered over to the Government in whose territory the Court which shall have judged them shall be established, to be dealt with according to the regulations and conditions contained in the Annex to this Treaty, *sub literâ* C.

The charges incurred for the support and for the return voyage of the commanders and crews of condemned vessels, shall be defrayed by the Government of which such commanders and crews are the subjects.

Article VII. The Mixed Courts of Justice shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Courts; and in all cases (save as mentioned in Article X of the Treaty to which these Regulations form an Annex, and in a subsequent part of these Regulations) wherein restitution of such vessels and cargoes shall be decreed, the

Court shall award to the claimant or claimants, or to his or their lawful attorney or attornies, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention, that is to say:—

1. In case of total loss, the claimant or claimants shall be indemnified;—

A. For the ship, her tackle, equipment, and stores.

B. For all freights due and payable.

C. For the value of the cargo or merchandize, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.

D. For all other regular charges in such case of total loss.

2. In all other cases, save as hereinafter mentioned, not of total loss, the claimant or claimants shall be indemnified;—

A. For all special damages and expenses occasioned to to the ship by the detention, and for loss of freight when due or payable.

B. For demurrage, when due, according to the schedule annexed to the present Article.

C. For any deterioration of the cargo.

D. For all premium of insurance on additional risks.

The claimant or claimants shall be entitled to interest, at the rate of five per cent. per annum, on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs; the whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be liquidated at the exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the judges of the two nations, and without having recourse to the decision of an arbitrator, that the captain has been led into error by the fault of the master or commander of the detained vessel, the detained vessel in that case shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present Article, nor any other compensation for losses, damages, or expenses, consequent upon such detention.

Schedule of demurrage or daily allowance for a vessel of

100	tons to	120	inclusive	£5	per diem.
121	,,	150	,,	6	
151	,,	170	,,	8	
171	,,	200	,,	10	
201	,,	220	,,	11	
221	,,	250	,,	12	
251	,,	270	,,	14	
271	,,	300	,,	15	

and so on in proportion.

Article VIII. Neither the judges, nor the arbitrators, nor the secretaries of the Mixed Courts of Justice, shall demand or receive from any of the parties concerned in the cases which shall be brought before such Courts, any emolument or gift, under any pretext whatsoever, for the performance of the duties which such judges, arbitrators, and secretaries have to perform.

Article IX. The two High Contracting Parties have agreed that, in the event of the death, sickness, absence on leave, or any other legal impediment, of one or more of the judges or arbitrators composing the above-mentioned Courts respectively, the posts of such judge and of such arbitrator shall be supplied, *ad interim*, in the following manner:—

1. On the part of Her Britannic Majesty, and in that Court which shall sit within the possessions of Her said Majesty,—if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or in the case where the vacancy be originally that of the British arbitrator, the place of such arbitrator shall be filled, successively, by the governor or lieutenant-governor resident in such possession; by the principal magistrate of the same; and by the secretary of the Government; and the said Court, so constituted as above, shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

2. On the part of Great Britain, and in that Court which shall sit within the possessions of the Oriental Republic of the Uruguay,—if the vacancy be that of the British judge, his place shall be filled by the British arbi-

trator; and either in that case, or in the case where the vacancy be originally that of the British arbitrator, his place shall be filled, successively, by the British Consul and British Vice-Consul, if there be a British Consul or British Vice-Consul appointed to, and resident in, such possession; and in the case where the vacancy be both of the British judge and of the British arbitrator, then the vacancy of the British judge shall be filled by the British Consul, and that of the British arbitrator by the British Vice-Consul, if there be a British Consul and British Vice-Consul appointed to, and resident in, such possession; and if there shall be no British Consul or British Vice-Consul to fill the place of British arbitrator, then the Monte-Videan arbitrator shall be called in, in those cases in which a British arbitrator, were there any, would be called in; and in case the vacancy be both of the British judge and British arbitrator, and there be neither British Consul nor British Vice-Consul to fill, *ad interim*, the vacancies, then the Monte-Videan judge and Monte-Videan arbitrator shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

3. On the part of the Oriental Republic of the Uruguay, and in that Court which shall sit within the territories of the said Republic,—if the vacancy be that of the Monte-Videan judge, his place shall be filled by the Monte-Videan arbitrator; and either in that case, or in the case where the vacancy be originally that of the Monte-Videan arbitrator, the place of such arbitrator shall be filled successively, by the governor or lieutenant-governor resident in such possession; by the principal magistrate of the same; and by the secretary of the Government; and the said Court, so constituted as above, shall sit, and in all cases brought before them for adjudication shall proceed to adjudge the same, and pass sentence accordingly.

4. On the part of the Oriental Republic of the Uruguay, and in that Court which shall sit within the possessions of Her Britannic Majesty,—if the vacancy be that of the Monte-Videan judge, his place shall be filled by the Monte-Videan arbitrator; and either in that case, or in the case where the vacancy be originally that of the Monte-

Videan arbitrator, his place shall be filled, successively, by the Monte-Videan Consul and Monte-Videan Vice-Consul, if there be a Monte-Videan Consul or Monte-Videan Vice-Consul appointed to, and resident in such possession; and in the case where the vacancy be both of the Monte-Videan judge and of the Monte-Videan arbitrator, then the vacancy of the judge shall be filled by the Monte-Videan Consul, and that of the Monte-Videan arbitrator by the Monte-Videan Vice-Consul, if there be a Monte-Videan Consul and a Monte-Videan Vice-Consul appointed to and resident in such possession; and in the case in which there be no Monte-Videan Consul or Monte-Videan Vice-Consul to fill the place of Monte-Videan arbitrator, then the British arbitrator shall be called in, in those cases in which a Monte-Videan arbitrator, were there any, would be called in; and in case the vacancy be both of the Monte-Videan judge and Monte-Videan arbitrator, and there be neither Monte-Videan Consul nor Monte-Videan Vice-Consul to fill, *ad interim*, the vacancies,—then the British judge and British arbitrator shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

The governor or lieutenant-governor of the settlement wherein either of the Mixed Courts of Justice shall sit, in the event of a vacancy arising either of the judge or the arbitrator of the other High Contracting Party, shall forthwith give notice of the same to the governor or lieutenant-governor of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period; and each of the High Contracting Parties agrees to supply definitively, as soon as possible, the vacancies which may arise in the above-mentioned Courts from death, or from any other cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with the XIIIth Article of the Treaty signed by them on this day the thirteenth of July, one thousand eight hundred and thirty-nine, that the preceding Regulations, consisting of nine Articles, shall be annexed to the said Treaty, and considered as an integral part thereof.

Done at Monte-Video, the thirteenth day of July, one thousand eight hundred and thirty-nine.
(L.S.) J. H. MANDEVILLE. (L.S.) JOSE ELLAURI.

ANNEX C. *Regulations in respect to treatment of liberated Negroes.*

ARTICLE I. The object and purpose of these Regulations is to secure to Negroes liberated under the stipulations of the Treaty to which these Regulations form an Annex (*sub literâ* C), permanent good treatment, and a full and complete emancipation, according to the humane intentions of the parties to the Treaty.

Article II. Immediately after sentence of condemnation upon a vessel charged with being concerned in illegal Slave Trade, shall have been passed by the Mixed Court of Justice established under the Treaty to which these Regulations form an Annex, all Negroes who were on board of such vessel, and who were brought on board for the purpose of traffic, shall be delivered over to the Government of the place where such Court resides.

Article III. The Negroes so liberated and delivered over to the Government, shall be placed under the care and superintendence of a Board consisting of two members or commissioners, with a power to call in a third member, under the circumstances hereinafter stated.

In that colony or possession of Her Britannic Majesty in which, under the Treaty to which these Regulations form an Annex, a Mixed Court of Justice is to sit, the Board of Superintendence of the liberated Negroes shall consist of the governor of the said colony or possession, and of the Monte-Videan judge in the said Mixed Court of Justice; and when the Monte-Videan judge is absent, then the Monte-Videan arbitrator of the said Mixed Court of Justice shall sit in the place of the judge, in the Board of Superintendence of liberated Negroes.

In that colony or possession of the Oriental Republic of the Uruguay, in which, under the present Treaty, a Mixed Court of Justice is to sit, the Board of Superintendence of the liberated Negroes shall consist of the governor

of that colony or possession, and of the British judge in the said Mixed Court of Justice; and when the British judge is absent, then the British arbitrator of the said Mixed Court of Justice shall sit in the place of the judge, in the Board of Superintendence of liberated Negroes.

The several members of the Board of Superintendence shall, before entering upon their offices, respectively, take an oath, in the presence of the principal magistrate of the place, that they will faithfully execute their office, without favour or partiality, according to the true intent and meaning of these Regulations.

Article IV. In order the better to carry into effect the purposes intended by the present Regulations, a person of known probity and humanity shall be selected and appointed by the Board of Superintendence, to act under its directions, with the title of curator of liberated Negroes; and such curator may, under the sanction of the Board, employ such persons as may be necessary to assist him in the execution of his duties.

The curator so appointed, shall, previously to his entering on the duties of his office, take, before the Board of Superintendence, an oath in the following words:—

I, A. B., do solemnly swear that I will act to the best of my skill and knowledge, faithfully and impartially in the execution of my office, and that I will conduct myself with due respect to the authority of the Board of Superintendence of liberated Negroes to which I am attached.

So help me God.

Article V. The curator of the liberated Negroes shall be personally present at the delivery of the Negroes to the person charged by the Government to receive them after the sentence of emancipation is passed, as specified in Article II of these Regulations.

Duplicate original receipts for the Negroes delivered over to the Government, specifying the number of each sex, shall, at the time when they are delivered as aforesaid, be made out and signed by the officer receiving them.

One original of such receipts shall be given to the person previously in charge of the Negroes, the other to the curator, who shall deposit the same in the registry of the

Mixed Court of Justice which adjudicated the case of the vessel in which the Negroes were captured.

At the time of delivery of such Negroes to the Government in the manner hereinbefore mentioned, they shall be minutely inspected by the curator, who shall give to each Negro a name, which name shall then be entered by the curator, in a book to be called "Register of Emancipated Negroes," and to be kept for that purpose in the office of the Board of Superintendence; and opposite to the name shall be entered a description of the person, with the probable age, and bodily marks, and any particulars which can be ascertained regarding the nation and family of such Negro.

Each Negro shall then be marked on the upper part of the right arm, with a small silver instrument, bearing for its device a symbol of freedom.

Article VI. The Board of Superintendence shall then make known, by public advertisement, its intention to apprentice out the liberated Negroes; and after seven days have elapsed from the announcement of such intention, the hiring or apprenticing of the Negroes shall then take place, either by public auction or by tender, as may be thought best; and the Negroes shall then be distributed to their hirers, upon the conditions and stipulations hereinafter mentioned; which conditions and stipulations shall be published at the time of auction or tender, and shall also be embodied in a contract or indenture, to be entered into formally between the hirer and the aforesaid Board. The contract or indenture shall be made out in duplicate; it shall be in print and not in writing; one copy of it shall remain with the hirer, and the other with the Board, under the care of the curator.

When the sums offered by two or more different persons for the hiring of a Negro are equal, preference shall be given to the person who will undertake to employ such Negro as a mechanic or domestic servant.

Article VII. The period of service for which apprentices shall be bound, shall be seven years for all Negroes who, at the time of hiring, are above thirteen years of age; but three of the seven years may be afterwards remitted, at the discretion of the Board, upon the recommendation

of the master, and upon proof that the apprentice is capable of earning an honest livelihood, and is worthy of such indulgence.

The apprenticeship of Negroes who, at the time of hiring, are under thirteen years of age, shall continue until the age of twenty, subject to a diminution of that term, at the discretion of the Board, upon due proof being given that the apprentice is worthy of such indulgence, and is capable of maintaining himself.

If after the expiration of any apprenticeship, it shall appear to the said Board, upon their personal inspection and examination of the apprentice, that he is not yet in a state to earn his livelihood, or to make a proper use of complete freedom, with regard to himself and to the community, the Board may extend the period of apprenticeship for the further term of three years. In such case a new master shall be selected, unless it shall appear to the satisfaction of the Board, that the backward state of the apprentice is not attributable to the neglect of the original master.

Article VIII. When more apprentices than one are confided to the same master, care shall be taken to select for that purpose such as are of the same African nation, and, if possible, of the same family; and in no case shall a child under fourteen years of age be separated from its mother, but such child shall always be apprenticed to the same master with its mother.

Article IX. The name and address of the master, together with the name and position of the estate or house where the liberated Negro is to be resident, shall be inserted opposite to the name of the Negro in his contract or indenture.

Article X. No Negro shall be apprenticed to any master who resides more than twenty English miles from the town where such Mixed Court of Justice is established; and if any master, to whom such Negro shall have been so apprenticed, shall afterwards change his residence, he shall be required to give immediate notice thereof to the curator.

The apprentices must always reside at that particular estate or house of the master, which is registered as being

within the above-mentioned distance from the place of sitting of the Mixed Court of Justice.

Article XI. No person shall be intrusted with one or more liberated Negroes, unless he shall prove to the Board that he possesses ample means for the employment, maintenance, and support of such Negro or Negroes, and shall make himself answerable, under the penalty of eighty dollars for each Negro, that the conditions under which such Negro is received, shall be duly observed.

Article XII. The master shall engage to pay a stipulated sum for the hire of each apprentice.

The curator may, if the amount is to be paid down in one sum, demand it previously to the hire; if the sum is to be periodically paid, the curator may demand the same quarterly in advance.

Article XIII. The master shall undertake:—

1. That the apprentice shall be maintained with wholesome and abundant food, and shall be provided with such clothes as are usual according to the custom of the country.

2. That he shall be instructed in the truths of the Christian religion, in order that he may be baptized before the expiration of the second year of his apprenticeship.

3. That he shall be vaccinated as soon as possible after being delivered into the charge of the master; that in sickness he shall have proper medical advice, and shall be treated with due care and attention; and that in case of death, he shall be decently buried at the master's expense.

4. That the apprentice shall be taught some useful business, or be instructed in some trade or mechanical art, whereby he may be enabled to maintain himself when the period of his service shall have expired.

5. That whenever an infant is born of any female apprentice, immediate information thereof shall be given by the master to the Board of Superintendence, in order that the fact may be duly registered.

6. That baptism of the infant so born, shall take place within three months after its birth, and that the freedom of the child shall be recorded in the register of baptism; but that such child shall remain with its mother, and shall be treated by the master of the mother in the same manner as

an apprentice, until the apprenticeship of the mother ceases.

Article XIV. No master shall in any case be authorized to transfer to another master his apprenticed Negro, without the especial and written sanction of the Board; and if the master shall leave the country, or shall change his residence to a part of the country beyond the limits hereinbefore fixed for persons having apprentices, or if he shall become so reduced in his circumstances, as to be obliged to give up his establishment, then, and in any of these cases, he shall report the same to the Board, and shall bring his apprentices, and deliver them up to the said Board, by whom they shall be received, and afterwards apprenticed to another master for the remainder of the period which such apprentices may have to serve, and under the same conditions as those imposed upon the first master. But in no case shall the master be allowed to deliver up his apprentice to any other authority than to the said Board, or to the curator under the orders of the Board.

If any apprentice shall be guilty of crimes which render him obnoxious to the laws of the country, or shall be guilty of habitual drunkenness, insubordination, wilful carelessness, or destruction of his master's property, the master may in such case bring him before the Board of Superintendence, and upon proof of the facts, the said Board shall have power to cancel the indentures.

Article XV. If an apprentice should run away, his master shall give immediate information thereof to the curator, who shall instantly proceed to a summary investigation of the fact for the information of the Board of Superintendence.

Any master who shall be proved to have improperly disposed of an apprentice, whom he has reported as dead or absconded, shall pay, as a fine, the sum of three hundred dollars.

The half of this fine shall be paid to the informer, and the remainder to the curator, to be placed at the disposal of the Board, for the purposes hereinafter mentioned.

Article XVI. If an apprentice should fall sick, the master shall give immediate notice thereof to the curator, in order that he, or one of his assistants, may visit such

apprentice, and report to the Board the nature of his disorder, and the manner in which such sick Negro is taken care of.

If an apprentice should die, notice thereof shall immediately be given to the curator, in order that he, or one of his assistants, may attend for the purpose of ascertaining that the deceased Negro was really and truly the apprentice described as such in the register.

For this purpose the curator or his assistant shall make such enquiries as he may judge necessary, interrogating the inhabitants of the house in which the Negro has died, the neighbours, or any other persons: and shall take such other means as he may judge necessary to enable him to ascertain the truth, in order that the burial of the Negro, which is to be at the expense of the master, may take place without further delay.

A summary report of the result of this enquiry shall then be drawn up officially by the curator, and be delivered without delay to the Board.

The curator, after having identified the body of any apprentice who may have died, shall investigate the cause of the death, and if the death shall appear to have been natural, he shall note that fact in the register.

If the cause of death be doubtful, or shall appear to be be otherwise than natural, he shall interrogate the other Negroes, and other inhabitants of the house, and take such other means as may appear necessary to ascertain the facts of the case; and if there shall appear reason to suspect that the death of such Negro has been occasioned by violence, improper usage, or culpable neglect, he shall take the proper course for bringing the offender to trial before the Courts of the country.

Article XVII. If the master of any apprentice shall commit any breach of these conditions, a fine shall be imposed upon him of not less than fifty, and not exceeding one hundred, dollars, one half of which shall go to the informer, and the other half shall be placedat the disposal of the Board of Superintendence, for the purposes hereinafter mentioned; and in case of any gross misconduct of the said master towards his apprentice, such master shall, if the Board of Superintendence shall think fit, besides paying the above-

mentioned fine, forfeit all further right to the services of the apprentice, and the said apprentice shall be taken from such master, and shall be apprenticed to another master for the remainder of his term of apprenticeship.

Article XVIII. If the master of an apprentice shall die, his heir, or the person to whom the possession of such apprentice shall devolve, shall, within four days after the death of such master, report the same to the Board of Superintendence.

The Board shall thereupon issue its order to the curator, to bring the apprentice before them; and when the apprentice is so brought, the Board shall apprentice him to another master under the established conditions.

If the heir, or the person in possession of such apprentice, shall neglect to report the death of the master within four days, he shall pay one dollar a day for each apprenticed Negro belonging to such deceased master, until he shall have delivered them all up to the said Board, and he shall, moreover, be subject to the other penalties which attach to the non-performance of the conditions established by these Regulations.

Article XIX. If any liberated Negro be apprenticed to, or hired by, the Government, the contract shall contain the same conditions and stipulations in regard to the Negro, as are hereinbefore prescribed, for cases in which the Negro is apprenticed to a private individual.

Article XX. Liberated Negroes shall, at the discretion of the Board of Superintendence, and where it shall be ascertained that their own free will has previously been obtained, be permitted to become soldiers and sailors in the regular land and sea forces of the State in whose territories or dominions they shall have been liberated.

The Board shall take care, in such case, to ascertain that the Negroes fully understand and are aware of the nature of the engagement which they enter into by so enlisting.

The Government in whose service the Negroes enlist, shall sign a receipt for them, which receipt shall be delivered to the curator at the time of the enlistment; and the Board shall take means to ensure that the full and permanent liberation of such Negroes shall be secured to them, under the principle contemplated by these Regulations.

Article XXI. Those liberated Negroes who may not be apprenticed, or may not have enlisted in the sea or land forces of the State to which the colony or possession in which they may be, belongs, or whose indentures shall have become void, or have been cancelled, shall be provided for by the Government of such colony or possession. They shall be kept within twenty miles of the place where the Mixed Court of Justice is sitting.

The expense of maintaining and supporting such Negroes shall be borne by the Government of the colony or possession; but they shall be under the care and superintendence of the Board and curator; and the present Regulations shall be applicable to them in every respect, excepting as regards apprenticeship.

Article XXII. The curator shall endeavour, by means of an interpreter, to explain to each Negro the nature of any contract by which he may become bound; and shall inform him that if he should at any time be ill treated by his master, he must make his complaint to the curator, or to the Board of Superintendence of liberated Negroes.

Article XXIII. It shall be the duty of the curator, or of his assistants, to visit once, at least, in every three months, all places where there are any liberated Negroes under the superintendence of the Board; he shall examine and inspect all such Negroes, receive their complaints, inquire into them and search out the truth, and investigate any abuses that may affect the said Negroes; and also inquire into the general conduct of the Negroes themselves.

The curator shall then bring to the notice of the Board every complaint on the part of the said Negroes, and every breach committed of the conditions and stipulations of the contracts under which the Negroes serve; and in all cases of well-founded complaint, the Board shall take proper means for affording redress.

The inspections above prescribed are not to be made at stated periods, but at uncertain times, and unexpectedly.

The curator shall also report every three months, to the Board, the state in which he finds the liberated Negroes; and such reports shall be entered in a book to be kept for that purpose, to be called "Curator's reports," and to be deposited in the office of the Board, so that, on

reference thereto, the condition and behaviour of every liberated Negro may be easily known.

Article XXIV. All proceedings of the curator, together with a statement of all facts which may from time to time come to his knowledge, respecting liberated Negroes, shall be immediately communicated by him to the Board of Superintendence; and he is not to institute any proceedings, nor to take any other steps in respect to such Negroes, without the knowledge and sanction of the Board.

Article XXV. The curator shall receive all the sums which are to be paid for the hire of apprentices, and all the monies arising from penalties incurred by masters, and shall render an account thereof to the Board of Superintendence.

The amount is to be applied to the purposes hereinafter mentioned.

Article XXVI. When the prescribed term of service of any apprentice shall have expired, the curator shall, under the direction of the Board of Superintendence, summon such apprentice, together with his master, to appear before the said Board. The master shall then give up to the Board the indenture of the Negro, and the Negro shall receive from the Board a certificate, specifying that such Negro has completed the term of his apprenticeship, and is entitled to all the rights and privileges of a free person.

The curator shall see that this certificate be authenticated and registered according to the custom of the country.

Article XXVII. The Board of Superintendence shall have the power to admonish the curator and any officer serving under the Board, if such curator or other officer should fail to execute his duty faithfully; and if the Board shall see necessary, they may dismiss such curator or other officer, and appoint successors.

Article XXVIII. The necessary proceedings for recovering such sums as may be due from masters on account of the hire of apprentices, and for enforcing the payment of the several fines and penalties hereinbefore imposed, shall be instituted in the proper Courts of Law of the country where the Boards of Superintendence shall respec-

tively reside, and shall be carried on at the instance of the Board.

The expenses of such proceedings shall be defrayed as hereinafter mentioned; and the High Contracting Parties hereby engage, that within six months from the exchange of the ratifications of the Treaty to which these Regulations are annexed, they will grant the requisite authority and powers to the Courts of Law of the country where the Boards of Superintendence are respectively held, to take cognizance of the actions which, for the due execution of these Regulations, may be brought in such Courts of Law at the instance of the Boards, so that the penalties hereinbefore mentioned may be recovered, and the levy of the monies hereinbefore mentioned be enforced, and the payment of the amount thereof be made to the person appointed by these Regulations to receive such penalties and monies.

Article XXIX. The money arising from the hire of liberated Negroes, and also from the penalties incurred by the master, shall be deposited by the curator in a chest with three keys, one of which shall be kept by each commissioner of the Board of Superintendence, and one by the curator.

The curator shall so deposit the several sums as soon as he receives them; making previously a regular entry of the receipt, in a book to be kept for that purpose.

This money shall be applied in the manner following, that is to say:—A portion thereof, at the discretion of the Board of Superintendence, shall be paid to the curator, and the other officers employed under the said Board, for their salaries; so much of the remaining portion as shall be needful, shall be applied towards defraying the expenses of prosecuting masters for breaches of the conditions and stipulations of their contracts, and also generally towards defraying the other expenses incurred for carrying these Regulations into effect; and the remaining balance, if any, shall be laid out at the discretion of the said Board, in the promotion of the comfort and welfare of the liberated Negroes, either during their term of service, or at its expiration, and especially in rewards to liberated Negroes for good conduct.

The accounts of these monies, and of the manner in which they have been applied, shall, at the expiration of every year, be made up in duplicate, by the curator; and after these accounts have been examined and approved by the Board, one of such duplicates shall be transmitted by each commissioner to the Government on whose part he is acting.

If the fund should not prove sufficient to liquidate the just and necessary demands made for the purposes required, the deficiency shall be made good in equal moieties by the two Governments.

Article XXX. In the event of a difference arising between the two aforesaid commissioners of the Board, regarding the appointment of any officer under them, or regarding any other matter in the execution of these Regulations,—if such difference shall occur in a British colony or possession, the Board shall call in the person who officiates in that colony or possession as Monte-Videan arbitrator to the Mixed Court of Justice under the Treaty; and if the case shall occur in the Monte-Videan colony or possession, the Board of Superintendence shall call in the person who officiates in that colony or possession, as British arbitrator to the Mixed Court of Justice under the Treaty; and the Board of Superintendence of liberated Negroes, thus formed, and being composed of the two commissioners and of one arbitrator, shall, by the majority of voices, decide all such points of difference.

It shall not be permitted to the members of the Board of Superintendence, nor to any officer acting under them, to demand or receive from any one, excepting as herein specified, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present Regulations.

Article XXXI. Nothing that is contained in these Regulations shall be construed to exempt any liberated Negro from his liability, as a free man, to be proceeded against for any offence committed by him (except as herein provided for) against the laws of the country in which he is located. But in all cases where offence against such laws is imputed to a Negro under the care of the aforesaid Board of Superintendence, the laws shall be administered to him

as to a free man, and the Curator shall, either personally, or by a responsible individual deputed by him for the purpose, attend the Courts of Justice of the country, to see that justice is done to the Negro.

Article XXXII. It is further stipulated, with a view to avoid the unnecessary multiplication of words, that everything contained in the foregoing Regulations which applies to masters, shall be construed as applying equally to mistresses; and that everything in the said Regulations with respect to negroes and apprentices, which applies to the masculine gender and singular number, shall be construed as applying equally to the female sex, and to the plural number, unless such construction shall be in express opposition to any other enactment of these Regulations.

Article XXXIII. These Regulations shall be inserted in the Official Gazette or Journal of the Government of each High Contracting Party to the Treaty, and also in the Official Journal or Gazette of the place where the Mixed Courts of Justice are respectively held; and the Governments of the said countries shall convey to the said Boards of Superintendence of liberated Negroes, to the Curators, and to their assistants under those Boards, such authority as may be requisite to enable the said Boards of Superintendence, curators, and officers acting under them, respectively, to perform the duties, and to exercise the powers entrusted to them by these Regulations.

The undersigned Plenipotentiaries have agreed, in conformity with the XIIIth Article of the Treaty signed by them on this day, the thirteenth of July, one thousand eight hundred and thirty-nine, that the preceding Regulations, consisting of thirty-three Articles, shall be annexed to the said Treaty, and be considered an integral part thereof.

Done at Monte-Video, the thirteenth day of July, one thousand eight hundred and thirty-nine.

(L.S.) J. H. MANDEVILLE. (L.S.) JOSE ELLAURI.

Articles Additional to the Treaty concluded this thirteenth day of July, one thousand eight hundred and thirty-nine, between Her Britannic Majesty and the Republic of the Uruguay, for the suppression of the Slave Trade.

ARTICLE I. In consequence of the Oriental Government of the Uruguay not possessing at the present period more ships of war than are sufficient for the protection of the coasts of the Republic, it is agreed that the Republic of the Uruguay shall be relieved from the obligation, for ten years from the date of the exchange of the ratifications of the present Treaty, of employing any cruizers for the suppression of the Slave Trade, unless it should think fit to do so.

Article II. It is agreed and understood, that if there should be any delay in appointing the judge and the arbitrator, to be nominated on the part of the Republic of the Uruguay, to act in each of the Mixed Courts of Justice to be established under this Treaty; or if those officers, after having been appointed, should at time be absent, then, and in either of such cases, the judge and arbitrator who shall have been appointed on the part of Her Britannic Majesty, and who shall be present in the said Courts, shall, in the absence of the Oriental judge and arbitrator, proceed to open the said Courts, and to adjudge such cases as may be brought before them under the Treaty; and the sentence pronounced upon such cases by the said British judge and arbitrator, shall have the same force and validity as if the judge and the arbitrator on the part of the Oriental Republic had been appointed, and had been present and acting in the Mixed Courts, in the cases in question.

Article III. It is also agreed, notwithstanding the provisions of the Second Article of the Annex B, that so long as no Oriental judge and arbitrator shall have been nominated, it will be unnecessary for the Oriental Republic to nominate the secretary or actuary, mentioned in the said Article; that in the meanwhile, the secretary or actuary of that Court which may exist within the territory of the Oriental Republic, shall be named and paid by the Government of Her Britannic Majesty; and that the entire expense of both the Courts to be established under this

Treaty, shall be borne by the Government of Her Britannic Majesty.

Article IV. If in the translation of the present Treaty into the Spanish language, any mistake or error should be committed, the English text is to be adhered to.

The present Additional Articles shall form an integral part of the Treaty for the suppression of Slave Trade, signed this day, and shall have the same force and validity as if they were inserted, word for word, in that Treaty; and shall be ratified, and the ratifications thereof shall be exchanged at Monte-Video, as soon as possible within the space of eight months from this date.

Done at Monte-Video, this thirteenth day of July, in the year of our Lord one thousand eight hundred and thirty-nine.

(L.S.) J. H. MANDEVILLE. (L.S.) JOSE ELLAURI.

Su Magestad la Reyna del Reyno Unido de la Gran Bretaña é Irlanda, y Su Excelencia el Presidente de la Republica Oriental del Uruguay, hallandose mutuamente animados del mas vivo deseo de cooperar á la completa extincion del barbaro Trafico de Esclavos, han resuelto proceder á la conclusion de un Tratado con el fin especial de conseguir este obgeto, por lo que respecta á la total y final abolicion del Trafico de Esclavos de la Republica Oriental del Uruguay: y á este fin han nombrado por sus Plenipotenciarios, á saber:

Su Magestad Britanica, al Caballero Don Juan Enrique Mandeville, Su Ministro Plenipotenciario cerca de las Provincias Unidas del Rio de la Plata;

Y Su Excelencia el Presidente de la Republica, al Doctor Don José Ellauri, Ministro de Gobierno y Relaciones Exteriores;

Los cuales, habiendose comunicado sus respectivos plenos poderes, y hallandolos en debida forma, han convenido y concluido los Artículos siguientes:

Artículo I. El Comercio de Esclavos de la Republica Oriental del Uruguay es por este formalmente declarado,

desde hoy en adelante, total y finalmente abolido en todas partes del mundo.

Artículo II. El Presidente de la Republica Oriental del Uruguay se compromete por el presente á tomar inmediatamente despues del cange de las ratificaciones de este Tratado, y despues, de tiempo en tiempo, segun sea necesario, las mas eficaces medidas para impedir que los ciudadanos de la Republica Oriental del Uruguay se interesen de modo alguno en hacer el Comercio de Esclavos, y que se use del pabellon de la Republica para dicho comercio; y especialmente se compromete á promulgar dentro de dos meses despues de verificado el dicho cange, una ley penal en todo el territorio de la Republica Oriental del Uruguay, imponiendo el mas severo castigo á todos los ciudadanos de la dicha Republica, que por cualquier pretexto, tomen la menor parte en el Trafico de Esclavos.

Artículo III. Su Excelencia el Presidente de la Republica Oriental del Uruguay se compromete tambien, en prosecucion de la estipulacion contenida en el Primer Artículo de este Tratado, á tomar las medidas necesarias para asimilar, tan pronto como ser posible, las leyes de la Republica Oriental del Uruguay, á las de la Gran Bretaña, por lo que respecta al crimen del Trafico de Esclavatura; y Su Magestad la Reyna del Reyno Unido de la Gran Bretaña é Irlanda, y Su Excelencia el Presidente de la Republica Oriental del Uruguay, se obligan mutuamente por este, á concertar y arreglar, por medio de una Convencion Adicional al presente Tratado, que debe celebrarse mas adelante entre las dos Altas Partes Contratantes, todos los pormenores de de la medida que se adopte para poner en execucion inmediata y reciprocamente la ley de pirateria aplicable á dicho trafico, segun la legislacion de cada uno de los dos paises, con respecto á los buques y subditos ó ciudadanos de cada uno.

Artículo IV. Para impedir mas completamente todas contravencion al espiritu del presente Tratado, las dos Altas Partes Contratantes consienten mutuamente, en que los buques de sus escuadras respectivas que tengan Instrucciones especiales para aquel obgeto, como en adelante se dirá, puedan visitar aquellas embarcaciones mercantes de las dos naciones, que por motivos razonables se sospeche de que se emplean en el Trafico de Esclavos, ó de que han sido equipadas para este obgeto, ó de que,

durante el viaje en que fuesen encontradas por los dichos cruzeros, se hayan ocupado en el Trafico de Esclavos, en contravencion á las disposiciones de este Tratado; y que los dichos cruzeros puedan detener, y mandar ó conducir dichas embarcaciones, para ser sometidas á juicio del modo que en adelante se convendrá.

Artículo V. Para arreglar el modo de poner en execucion las estipulaciones del precedente Artículo, se conviene:

1º. Que todos los buques de las escuadras de las dos naciones que se emplearen en impedir el Trafico de Esclavos, serán provistos por sus respectivos Gobiernos con una copia, en idioma Ingles y Español, del presente Tratado; de las Instrucciones para los cruzeros anexas á el (con la letra A); y de los Reglamentos para los Tribunales Mixtos de Justicia, anexos á el (con la letra B); las cuales piezas anexas respectivamente, serán consideradas como parte integrante del Tratado.

2º. Que cada una de las Altas Partes Contratantes comunicará á lo otra, de tiempo en tiempo, los nombres de los diversos buques provistos con tales Instrucciones, la fuerza de cada uno de ellos, y el nombre de sus respectivos comandantes.

3º. Que si en algun tiempo, hubiese justos motivos para sospechar que algun buque mercante bajo el pabellon de cualquiera de las Partes Contratantes, y navegando en convoy de alguna embarcacion ó embarcaciones de guerra de las mismas, se emplea, ó vá destinado á emplearse, en el Trafico de Negros, ó que está aparejado para aquel obgeto, ó que durante el viage en que sea encontrado, se ha ocupado en el Trafico de Esclavos, está legalmente autorizado el comandante de cualquier buque de la armada de cualquiera de las dos Altas Partes Contratantes, provisto con las Instrucciones arriba mencionadas, para visitar el tal buque mercante; y el dicho comandante procederá á verificarlo, comunicandolo al oficial comandante del convoy, el cual, se conviene por este, prestará todas la facilidades para efectuar la visita, y para la detencion eventual de tal buque mercante; y lo auxiliará en todo, con todo su poder, en la execucion del presente Tratado, segun su verdadero obgeto y espiritu.

4º. Se conviene ademas mutuamente, que los coman-

dantes de los buques de las dos marinas, respectivamente, que fuesen empleados en este servicio, se adherirán estrictamente al tenor exacto de las antedichas Instrucciones.

Artículo VI. Como los dos Artículos precedentes son enteramente reciprocos, las dos Altas Partes Contratantes se comprometen mutuamente á abonar cualesquiera perdidas que se ocasionasen á sus respectivos subditos ó ciudadanos por la arbitraria é ilegal detencion de sus buques; entendiendose que esta indemnizacion será invariablemente soportada por el Gobierno á quien pertenezcan los cruzeros que se hayan hecho culpables de tales arbitrarias é ilegales detenciones; y que la visita y detencion de buques, especificada en el Artículo IV° de este Tratado, solamente podrá hacerse por embarcaciones Inglesas ó Monte-Videanas que formen parte de la marina real ó nacional, respectivamente, de las dos Altas Partes Contratantes de este Tratado; y solo por aquellas de dichas embarcaciones que esten provistas con las Instrucciones especiales anexas al presente Tratado, en consecuencia de lo en él estipulado.

Artículo VII. Para poder hacer con la menor demora é inconveniente posible, la adjudicacion de los buques que sean detenidos en conformidad al tenor del Artículo IV° de este Tratado, se establecerán, dentro del termino de un año, á lo mas, contado desde el cambio de las ratificaciones del presente Tratado, dos Tribunales Mixtos de Justicia, formados de un numero igual de individuos de las dos naciones, nombrados á este fin por las dos Altas Partes Contratantes respectivamente.

Estos Tribunales residirán, uno en posesiones pertenecientes á Su Magestad Britanica, y el otro en territorio de la Republica Oriental del Uruguay; y los dos Goviernos, al tiempo de cangearse las ratificaciones del presente Tratado, declararán, cada uno para sus territorios, en que lugares residirán respectivamente; reservandose cada una de las dos Altas Partes Contratantes el derecho de cambiar á su agrado, el lugar de la residencia del Tribunal establecido en el territorio de su pertinencia, con tal, sin embargo, que uno de los dos Tribunales resida siempre en la costa de Africa, y el otro en una de las posesiones de la Republica Oriental del Uruguay.

Estos Tribunales juzgarán las causas que se les sometan

en conformidad á lo dispuesto en el presente Tratado, sin apelacion, y segun los Reglamentos é Instrucciones que van anexas al presente Tratado, y que se consideran como parte integrante de él.

Artículo VIII. En caso que el oficial comandante de alguno de los buques de la armada de la Gran Bretaña y de Monte Video, respectivamente, debidamente comisionado en conformidad á lo dispuesto en el Artículo IV° de este Tratado, se desviase de algun modo de las estipulaciones de dicho Tratado, ó de las Instrucciones anexas á él, el Gobierno que se considere agraviado por su conducto, tendrá el derecho de pedir una reparacion; y en tal caso, el Gobierno á quien pertenezca el tal oficial comandante, se obliga á mandar hacer una investigacion del hecho que motive la queja, é infligir al dicho oficial un castigo proporcionado á cualquiera transgresion arbitraria que se haya cometido.

Artículo IX. Queda ademas mutuamente convenido, que todo buque mercante Ingles ó Monte-Videano, que fuese visitado en virtud del presente Tratado, pueda ser legalmente detenido, y mandado ó llevado ante los Tribunales Mixtos de Justicia, en conformidad á lo en él dispuesto, si en su equipo se encontrase alguna de las cosas que abaxo se mencionan, á saber:—

1. Cuarteles de escotilla con rejas, en lugar de los cuarteles cubiertos que se usan en los buques mercantes.

2. Divisiones ó manparos en la bodega ó sobre cubierta, en mayor numero que las que son necesarias para buques que hacen un comercio licito.

3. Tablones de repuesto, preparados como para armar una segunda cubierta para esclavos.

4. Cadenas, grillos, ó esposas.

5. Mayor cantidad de agua, bien en cascos ó en cisternas, que la que se necesita para el consumo de la tripulacion del buque como buque mercante.

6. Un numero extraordinario de cascos para agua, ó de otras vasijas propias para contener liquidos, á menos que el maestre exhiba un certificado de la aduana del lugar adonde fué despachado, en que conste que los propietarios de la tal embarcacion han prestado fianza bastante de que la cantidad extraordinaria de cascos ú otras vasijas, solo se destina á recibir azeite, ú otros obgetos de comercio licito.

7. Mayor cantidad de tinas ó platos de rancho, que la que se necesita para el uso de la tripulacion del buque como buque mercante.

8. Un caldero de un tamaño no comun, y mayor que el que es necesario para el uso de la tripulacion del buque como buque mercante; ó mas de un caldero del tamaño ordinario.

9. Una cantidad extraordinaria de arroz, de harina del Brasil, mandioca, ó casave, comunmente llamada fariña, de maiz, ó trigo de Indias, en mayor cantidad de la que probablemente se requiere para el uso de la tripulacion; siempre que el tal arroz, harina, maiz, ó trigo de Indias, no esten comprehendidos en el manifesto como parte de su cargamento para comercio.

Una ó mas de estas diversas circunstancias, siempre que sean probadas, será considerada como una evidencia *primâ facie* del empleo actual del buque en el Comercio de Esclavos; y á menos que el maestre ó dueños de dicho buque no pruebe de un modo satisfactorio, que el dicho buque se ocupaba al tiempo de su detencion ó captura en un trafico licito, será por el hecho condenado y declarado buena presa.

Artículo X. Si alguna de las cosas especificadas en el Artículo precedente se encontrasen en cualquier buque mercante, no se concederá en ningun caso al maestre ó dueños de dicho buque, ó á cualquiera otra persona interesada en él ó en su carga, compensacion alguna por perdidas, daños, ó costos consiguientes á su detencion, aun cuando el Tribunal Mixto de Justicia no pronunciase sentencia alguna de condenacion en consecuencia de su detencion.

Artículo XI. Se conviene por este, entre las dos Altas Partes Contratantes, que en todos los casos en que un buque fuere detenido en virtud de este Tratado, por sus respectivos cruzeros, por haberse ocupado en el Trafico de Esclavos, ó por haber sido aprestado para obgetos de dicho trafico, y fuese adjudicado ó condenado por los Tribunales Mixtos de Justicia que han de establecerse como se ha dicho, el dicho buque será deshecho enteramente, y vendido en partes separadas despues de haber sido deshecho.

Artículo XII. Cada una de las dos Altas Partes Con-

tratantes se obliga, del modo mas solemne, á garantir la libertad de los Negros que sean emancipados en virtud del presente Tratado, por el Tribunal Mixto de Justicia que resida en las colonias ó posesiones del tal Gobierno; y á transmitir de tiempo en tiempo, y siempre que sea solicitado por la otra Parte, ó por los miembros del Tribunal Mixto de Justicia en virtud de cuya sentencia se hubieren libertado los Esclavos, las informaciones mas completas acerca del estado y condicion de tales Negros, con la mira de asegurar la debida execucion del Tratado á este respecto.

A este fin se han formado los Reglamentos anexos á este Tratado bajo la letra C, para el trato de los Negros libertados por sentencia del Tribunal Mixto de Justicia, los cuales Reglamentos se declara, que forman parte integrante de este Tratado: reservandose á si mismas las dos Altas Partes Contratantes el derecho de alterar, de comun consentimiento y mutuo acuerdo, pero no de otro modo, los terminos y el tenor de tales Reglamentos.

Artículo XIII. Las Actas é Instrumentos anexos á este Tratado, y los cuales se ha convenido mutuamente, que formarán parte integrante de él, son como sigue:

A. Instrucciones para los buques de la armada de las dos naciones, destinados á impedir el Trafico de Esclavos.

B. Reglamentos para los Tribunales Mixtos de Justicia que han de tener su asiento en la costa de Africa, y en una de las posesiones de la Republica Oriental del Uruguay.

C. Reglamentos para el trato que ha de darse á los Negros libertados.

Artículo XIV. El presente Tratado, que consiste de catorce Artículos, será ratificado, y las ratificaciones de él angeadas en el espacio de ocho meses desde la fecha, ó antes si fuere posible.

En testimonio de lo cual los respectivos Plenipotenciarios han firmado en originales duplicados, Ingles y Español, el presente Tratado, y le han puesto el sello de sus armas.

Dado en Monte Video, hoy trece dia de Julio, del año de nuestro Señor de mil ocho cientos treinta y nueve.

(L.S.) J. H. MANDEVILLE. (L.S.) JOSE ELLAURI.

PIEZA ANEXA A *al Tratado entre la Gran Bretaña y la Republica Oriental del Uruguay, para la abolicion del Trafico de Esclavos de la Republica Oriental del Uruguay, del* 13 *de Julio,* 1839.

Instrucciones para los buques de las armadas Inglesa y Monte-Videana empleados para impedir el Trafico de Esclavos.

ARTICULO I. El comandante de cualquier buque perteneciente á la marina real de Su Magestad Britanica, ó á la nacional de la Republica Oriental del Uruguay, á quien se le comuniquen estas Instrucciones, tendrá el derecho de visitar, registrar, y detener á cualquiera buque Ingles ó Monte-Videano, que se ocupe, ó se sospeche que se ocupa, en el Trafico de Esclavos, ó que esté equipado para obgetos de él, ó que se haya ocupado en el Trafico de Esclavos durante el viaje en que sea encontrado por el tal buque de la marina Inglesa ó Monte-Videana; y el dicho comandante conducirá ó enviará el tal buque mercante, lo mas pronto posible, para ser juzgado, ante uno de los Tribunales Mixtos de Justicia establecidos en virtud del Articulo VII del dicho Tratado, que esté mas inmediato al lugar de la detencion, y adonde pudiera llegar mas pronto á juicio del dicho comandante y bajo su responsabilidad.

Todos y cada uno de los buques bajo la bandera Oriental, que se ocupen actualmente, ó se sospeche que se ocupan ó se hubiesen ocupado, en el Trafico de Esclavos, debe considerarse buque Oriental; siendo mutuamente entendido y acordado, que esto no ha de servir como un antecedente para constituirlo Oriental en las discusiones que puedan iniciarse en lo succesivo para la negociacion de un tratado de comercio.

Artículo II. Siempre que un buque de cualquiera de las dos armadas, debidamente autorizado en la forma prescripta, encontrase un buque mercante sugeto á ser visitada en virtud de lo dispuesto en dicho Tratado, se hará el registro del modo mas suave, y con todas las atenciones que deben observarse entre naciones aliadas y amigas; y en todos casos el registro se hará por un oficial que no sea

menos que teniente de la marina Inglesa ó Monte-Videana, ó por el oficial que á la sazon sea el segundo en el mando del buque, por el cual se haga el registro.

Artículo III. El comandante de cualquier buque de las dos armadas, debidamente autorizado en la forma dicha, que detenga cualquier buque mercante en consecuencia del tenor de las presentes Instrucciones, dejará abordo del buque detenido, al maestre, piloto ó contramaestre, y dos ó tres, á lo menos, de la tripulacion de dicho buque; todos los Esclavos, si los hubiese, y todo su cargamento.

El aprehensor extenderá por escrito en el acto de la detencion, una declaracion autentica, que manifieste el estado en que encontró el buque detenido; cuya declaracion ha de ser firmada por él mismo, y entregada ó enviada, junto con el buque capturado, al Tribunal Mixto de Justicia, ante el cual sea conducido el buque para ser adjudicado. Entregará al maestre del buque detenido un certificado firmado de los papeles tomados á su bordo, asi como del numero de Esclavos que se encontrasen abordo al tiempo de la detencion.

En la declaracion autentica que el captor está obligado á dar segun lo prevenido, asi como en el certificado de los papeles tomados, insertará su nombre, el nombre del buque aprehensor, la latitud y longitud del lugar en que se haya hecho la detencion, y el numero de Esclavos hallados abordo del buque al tiempo de la detencion.

El oficial encargado del buque detenido, al tiempo de pasar los papeles del buque al Tribunal Mixto de Justicia, entregará tambien al Tribunal un papel firmado por él, y bajo juramento, en que se expresen los cambios que hayan ocurrido respecto del buque, su tripulacion, Esclavos, si los hubiere, y su cargamento, entre el periodo de su detencion y el momento de entregar los dichos papeles.

Artículo IV. Los Esclavos no serán desembarcados hasta despues que el buque que los contiene haya llegado al lugar de su juzgamiento, para que en el caso de no ser juzgado buena presa, pueda repararse mas facilmente la perdida de los propietarios; y aun despues del arribo de los Esclavos al tal lugar, no deben desembarcarse sin permiso del Tribunal Mixto de Justicia.

Pero si motivos urgentes, deducidos de lo largo del

viaje, del estado de salud de los Esclavos, ó por otras causas, exigiesen que el todo ó una parte de los Negros fuesen desembarcados antes de la llegada del buque al lugar en que se halle establecido uno de los dichos Tribunales, el comandante del buque aprehensor puede tomar sobre si la responsabilidad de desembarcar los Negros, con tal que esta necesidad, y los motivos de ella, se hagan constar en un certificado dado en debida forma, y que este certificado se extienda é inserte al mismo tiempo en el libro de diario del buque detenido.

Los abajo firmados Plenipotenciarios han convenido, en conformidad con el Artículo XIII del Tratado firmado por ellos el dia trece de Julio, de mil ochocientos treinta y nueve, que las precedentes Instrucciones, constantes de cuatro Artículos, sean agregadas al dicho Tratado, y consideradas como parte integrante de él.

Fecho en Monte Video, el dia trece de Julio, de mil ochocientos treinta y nueve.

(L.S.) J. H. MANDEVILLE. (L.S.) JOSE ELLAURI.

PIEZA ANEXA B *al Tratado entre la Gran Bretaña y la Republica Oriental del Uruguay, para la abolicion del Comercio de Esclavos de la Republica Oriental del Uruguay, del* 13 *de Julio,* 1839.

Reglamentos para los Tribunales Mixtos de Justicia que han de residir en la costa de Africa, y en las posesiones de la Republica Oriental del Uruguay.

ARTICULO I. Los Tribunales Mixtos de Justicia que han de establecerse en consecuencia de las estipulaciones del Tratado de que estos Reglamentos forman parte integrante, segun está declarado, se compondrán del modo siguiente:

Las dos Altas Partes Contratantes, cada una de por si, nombrará un juez y un arbitrador, que sean autorizados para oir y decidir, sin apelacion, todos los casos de captura ó detencion de buques que, en consecuencia de las estipu-

laciones del predicho Tratado, sean llevados ante ellos. Los jueces y los arbitradores, antes de entrar en el exercicio de sus funciones, prestarán respectivamente juramento ante el magistrado principal de los lugares en que respectivamente residan los tales tribunales, de que juzgarán recta y fielmente; que no harán preferencia entre los demandantes y los captores; y que obrarán, en todas sus decisiones, con sujecion á las estipulaciones del predicho Tratado.

Se agregará á cada uno de los Tribunales un secretario ó registrador, qui será nombrado por el Gobierno del pais en cuyo territorio resida el Tribunal. Este secretario ó registrador registrará todos los actos del Tribunal, y antes de entrar al exercicio de sus funciones, prestará juramento ante el Tribunal para el cual está nombrado, de que se conducirá con el debido respeto hacia su autoridad, y actuará con fidelidad é imparcialidad en todos los asuntos relativos á su oficio.

El salario del secretario ó registrador del Tribunal que ha de establecerse en la costa de Africa, será pagado por Su Magestad Britanica; y el del secretario ó registrador del Tribunal que ha de establecerse en las posesiones de la Republica Oriental del Uruguay, por el Gobierno de la dicha Republica.

Cada uno de los dos Gobiernos costeará la mitad del monte total de los gastos accidentales de dichos Tribunales.

Artículo II. Los gastos en que incurra el oficial para la recepcion, mantenimiento, y cuidado del buque detenido, Esclavos, y cargamento, y los que cause la execucion de la sentencia; y todos los desembolzos ocasionados para traer el buque á juicio; se pagarán, en caso de ser condenado, de los fondos que produzca la venta de todos los materiales del buque, despues de haber sido deshecho; del producto de los viveres del buque, y de la parte del cargamento que consista de mercaderias; y en caso que los productos de estas ventas no fuesen suficientes para pagar los gastos, abonará la diferencia el Gobierno del pais en cuyos territorios se haya hecho la adjudicacion.

Si el buque detenido fuese absuelto, los gastos ocasionados para traerlo á juicio serán pagados por el captor,

menos en los casos especificados y para los cuales ya se ha provisto por el Artículo del Tratado á que van anexos estos Reglamentos, y por el Artículo VII de estos mismos Reglamentos.

Artículo III. Los Tribunales Mixtos de Justicia deben decidir sobre la legalidad de la detencion de los buques, que en consecuencia del dicho Tratado, fuesen detenidos por los cruzeros de una ú otra nacion. Estos Tribunales juzgarán definitivamente y sin apelacion, todas las cuestiones que originen la captura ó detencion de dichos buques.

Los procedimientos de estos Tribunales serán lo mas sumarios posible; y á este fin, se les requiere que decidan cada caso, en cuanto sea practicable, dentro del termino de veinte dias, contados desde el en que el buque detenido hubiese sido traido al puerto donde residiese el Tribunal que lo juzgue.

En ningun caso se demorará la sentencia final mas de dos meses, bien sea por razon de la ausencia de testigos, ó por cualquier otra causa, menos cuando lo pidiese alguna de las partes interesadas; en cuyo caso, prestando la parte ó partes una fianza satisfactoria, de que tomarán sobre si los costos y riezgos de la demora, los Tribunales podrán á su arbitrio conceder un nuevo plazo, que no exceda cuatro meses.

Cualquiera de las partes estará en libertad de valerse de personas inteligentes, si lo consideran conveniente, para ayudarlo en la direccion de su causa.

Todas las partes esenciales de los procedimientos de los dichos Tribunales, se escribirán en el idioma del pais en que respectivamente residan.

Artículo IV. La forma del proceso será la siguiente:

Los jueces nombrados por las dos naciones respectivamente, procederán, en primer lugar, á examinar los papeles del buque detenido, y á recibir las deposiciones del maestre y comandante, y dos ó tres, á lo menos, de los principales individuos de abordo de dicho buque; asi como la declaracion jurada del captor, si les pareciere necesaria para poder formar su juicio, y pronunciar si el dicho buque ha sido justamente detenido ó no, en conformidad á las estipulaciones del predicho Tratado, y para que, segun su pronunciamiento, el buque sea condenado ó absuelto.

En caso que los dos jueces discorden en cuanto á la sentencia que deben pronunciar en cualquier causa puesta ante ellos, ya sea con respecto á la legalidad de la detencion, ó sobre si el buque está ó no sugeto á condenacion, ó sobre la indemnizacion que ha de acordarse, ó sobre cualquiera otra cuestion que se origine de la captura; ó en el caso que hubiese alguna diferencia de opinion entre ellos en cuanto al modo de proceder en el dicho Tribunal; sacarán á la suerte el nombre de uno de los arbitradores nombrados como se ha dicho, y este arbitrador, despues de haber considerado los procedimientos que han tenido lugar, consultará con los jueces arriba mencionados sobre el caso; y se pronunciará la sentencia ó decision en conformidad á la opinion de la mayoria de los tres.

Artículo V. Si el buque detenido fuese absuelto por sentencia del Tribunal, el buque y el cargamento, en el estado en que entonces se encontrasen, serán inmediatamente entregados al maestre, ó á la persona que lo represente; y el tal maestre ú otra persona puede pedir ante el mismo Tribunal, una avaluacion de los perjuicios que tenga derecho á exigir. El aprehensor mismo, y en su defecto, su Gobierno, quedarán responsables de los perjuicios á que resulten acreedores el maestre ó dueños del buque ó de su cargamento, por declaracion del Tribunal.

Las Altas Partes Contratantes se obligan á pagar en el termino de un año desde la fecha de la sentencia, los costos y perjuicios que haya determinado el predicho Tribunal; quedando entendido y acordado, que estos costos y perjuicios serán abonados por el Gobierno del pais de que sea subdito el captor.

Artículo VI. Si el buque detenido fuese condenado, será declarado buena presa, junto con el cargamento, de cualquier clase que sea, á excepcion de los Esclavos que hayan sido traidos abordo para obgetos de comercio; y el dicho buque, sugeto á los reglamentos del Artículo XI del Tratado de esta fecha, será vendido, lo mismo que su cargamento, en publica subasta, á beneficio de los dos Gobiernos, sugetandose al pago de los gastos mas arriba mencionados.

Los Esclavos recibirán del Tribunal un certificado de emancipacion, y serán entregados al Gobierno en cuyo territorio esté establecido el Tribunal que los hubiese juzgado, para disponer de ellos segun los reglamentos y condiciones

contenidas en la Pieza anexa á este Tratado bajo la letra C.

Los gastos hechos para el sostén y viaje del retorno de los comandantes y tripulaciones de los buques condenados, serán costeados por el Gobierno de que sean subditos los tales comandantes y tripulaciones.

Artículo VII. Los Tribunales Mixtos de Justicia conocerán tambien, y decidirán definitivamente sin apelacion, en todas las demandas de compensacion por perdidas ocasionadas á los buques y cargamentos que fuesen detenidos en virtud de las estipulaciones de este Tratado, pero que no hubiesen sido condenados como buena presa por los dichos Tribunales; y en todos los casos (menos en los mencionados en el Artículo X del Tratado á que van anexos estos Reglamentos, y en otro lugar subsiguiente de estos Reglamentos) en que se decretase la restitucion de los tales buques y cargamentos, el Tribunal acordará al demandante ó demandantes, ó á su apoderado legal ó apoderados, una justa y completa indemnizacion por todas las costas de proceso, y por las perdidas y perjuicios que el dueño ó dueños hayan sufrido de resultas de la captura y detencion, que es decir:—

1. En caso de perdida total, el reclamante ó reclamantes serán indemnizados;—

A. Por el buque, su aparejo, aprestos, y provisiones.

B. Por todos los fletes debidos y pagaderos.

C. Por el valor del cargamento ó mercaderias, si las hubiese, deduciendose los gastos de venta del cargamento, y comision de venta.

D. Por todas los demas gastos regulares en el dicho caso de perdida total.

2. En todos los demas casos que no sean de perdida total, menos en los que se especificarán abajo, el demandante ó demandantes serán indemnizados;—

A. Por todos los daños y gastos ocasionados al buque por la detencion, y por la perdida del flete que se le debiere.

B. Por las estadias, que hubiere devengado, segun la Tarifa anexa al presente Artículo.

C. Por cualquier deterioro de su cargamento.

D. Por todo premio de seguro sobre riezgos adicionales.

El reclamante ó reclamantes será acreedor á un interes á razon de cinco por ciento al año, sobre la cantidad

juzgada, hasta que esta cantidad le sea pagada por el Gobierno á quien pertenece el buque aprehensor; y el monto total de estos indemnizaciones será calculado en la moneda del pais á que pertenece el buque detenido, y será liquidado al cambio corriente al tiempo del juzgamiento.

Las dos Altas Partes Contratantes han convenido, no obstante, en que si se probase, á satisfaccion de los jueces de las dos naciones, y sin recurrir á la decision de un arbitrador, que el captor ha sido inducido á error por culpa del maestre ó comandante del buque detenido, no tendrá este en tal caso derecho de recibir, por el tiempo de su detencion, la indemnizacion por estadias, estipulada en el presente Artículo, ni ninguna otra compensacion por perdidas, daños, y gastos consecuentes á la detencion.

Tarifa de estadias, ó asignacion diaria, para un buque de

				Libras.	
100	toneladas á	120	inclusive	5	por dia.
121	„	150	„	6	
151	„	170	„	8	
171	„	200	„	10	
201	„	220	„	11	
221	„	250	„	12	
251	„	270	„	14	
271	„	300	„	15	

y asi en proporcion.

Artículo VIII. Ni los jueces, ni los arbitradores, ni los secretarios de los Tribunales Mixtos de Justicia, exigirán ni recibirán de ninguna de las partes interesadas en las causas que se lleven ante ellos, emolumento ó don alguno, bajo ningun pretexto, por el exercicio de los deberes que estos jueces, arbitradores, y secretarios hayan tenido que desempeñar.

Artículo IX. Las dos Altas Partes Contratantes han convenido, que en caso de muerte, enfermedad, licencia, ó cualquier otro impedimento legal de uno ó mas de los jueces ó arbitradores que componen los expresados Tribunales respectivamente, se llene el puesto del tal juez ó arbitrador interinamente del modo siguiente:

1. Por parte de Su Magestad Britanica, y en el Tribunal establecido dentro de las posesiones de dicha Su

Magestad Britanica,—si la vacante es la del juez Ingles, será llenado su lugar por el arbitrador Ingles; y ya sea en este caso, ó en el de que la vacante sea originalmente la del arbitrador Ingles, el lugar del tal arbitrador será llenado, sucesivamente, por el gobernador ó teniente-gobernador residente en aquella posesion; por el principal magistrado de la misma; y por el secretario del Gobierno: y el dicho Tribunal, asi constituido como se ha dicho, actuará, y en todos los casos que se lleven ante él para ser juzgados, procederá á juzgarlos y pronunciar sentencia ante él.

2. Por parte de la Gran Bretaña, y en el Tribunal establecido dentro de las posesiones de la Republica Oriental del Uruguay,—si la vacante es la del juez Ingles, será llenada por el arbitrador Ingles; y bien en este caso, ó en el que la vacante sea originalmente la del arbitrador Ingles, su lugar será llenado sucesivamente por el Consul y Vice-Consul Ingles, si los hubiere y residiesen en dicha posesion; y en el caso en que la vacante fuese de los dos juez y arbitrador Ingles, entonces la vacante del juez Ingles será llenada por el Consul Ingles, y la del arbitrador Ingles, por el Vice-Consul Ingles, si hubiere un Consul y Vice-Consul nombrados y residentes en dicha posesion; y si no hubiere Consul ó Vice-Consul Ingles para llenar el lugar del arbitrador Ingles, entonces el arbitrador Monte-Videano entrará á suplirlo en todos los casos en que debiera suplirlo un arbitrador Ingles, si lo hubiera; y en caso que la vacante sea de ambos, es decir, del juez Ingles y del arbitrador Ingles, y no hubiese ni Consul ni Vice-Consul Ingles que llenase *ad interim* estas vacantes, entonces el juez Monte-Videano y el arbitrador Monte-Videano actuarán y juzgarán en todos los casos que se lleven á juicio ante ellos.

3. Por parte de la Republica Oriental del Uruguay, y en el Tribunal establecido dentro de los territorios de la dicha Republica,—si la vacante fuese la del juez Monte-Videano, sa llenará su lugar por el arbitrador Monte-Videano; y bien en este caso, ó en el de que la vacante sea originalmente la del arbitrador Monte-Videano, el lugar de dicho arbitrador será llenado sucesivamente por el gobernador ó teniente-gobernador residente en dicha posesion; por el magistrado principal de ella; y por el secretario del Gobierno: y el dicho Tribunal, asi constituido como queda

dicho, actuará, y en todos los casos que se lleven ante él para ser juzgados, procederán á juzgarlos.

4. Por parte de la Republica Oriental del Uruguay, y en el Tribunal establecido dentro de las posesiones de Su Magestad Britanica,—si la vacante es la del juez Monte-Videano, su lugar será llenado por el arbitrador Monte-Videano; y bien en este caso, ó en el de que la vacante sea originalmente la del arbitrador Monte-Videano, su lugar será sucesivamente llenado por el Consul ó Vice-Consul Monte-Videano, si los hubiese nombrados y residentes en dicha posesion; y en el caso en que la vacante fuere de ambos, es decir, del juez y del arbitrador Monte-Videano, entonces la vacante del juez será llenada por el Consul Monte-Videano, y la del arbitrador Monte-Videano por el Vice-Consul Monte-Videano, si los hubiese nombrados y residentes en dicha posesion; y en caso que no hubiese Consul ó Vice-Consul Monte-Videano, entonces entrará á suplirlo el arbitrador Ingles, para aquellos casos en que debiera suplirlo un arbitrador Monte-Videano si lo hubiera; y en caso que la vacante sea de ambos, es decir, del juez Monte-Videano, y del arbitrador Monte-Videano, y no hubiera ni Consul ni Vice-Consul Monte-Videano para llenar *ad interim* las vacantes, entonces el juez Ingles y arbitrador actuarán, y en todos los casos que se lleven ante ellos para ser juzgados, procederán á juzgarlos y á pronunciar sentencia.

El gobernador ó teniente-gobernador del establecimiento en que tenga asiento alguno de los dos Tribunales Mixtos de Justicia, en caso de una vacante del juez ó del arbitrador de la otra Alta Parte Contratante, dará inmediatamente noticia de ella al gobernador ó teniente-gobernador del establecimiento mas cercano perteneciente á la otra Alta Parte Contratante, para que la dicha vacante sea llenada á la mayor brevedad posible; y cada una de las Altas Partes Contratantes conviene en llenar definitivamente, tan pronto como sea posible, las vacantes que resulten en los dichos Tribunales por muerte, ó por cualquiera otra causa.

Los abajo firmados Plenipotenciarios han convenido, en conformidad con el Artículo XIII del Tratado firmado

por ellos hoy trece de Julio, de mil ochocientos treinta y nueve, que los Reglamentos precedentes, que consisten de nueve Artículos, corran anexos al dicho Tratado, y se consideren como parte integrante de el.

Monte Video, el dia trece de Julio, de mil ochocientos treinta y nueve.

(L.S.) J. H. MANDEVILLE. (L.S.) JOSE ELLAURI.

PIEZA ANEXA C. *Reglamentos relativos al trato que ha de darse á los Negros libertos.*

ARTICULO I. El objeto y proposito de estos Reglamentos es asegurar á los Negros libertados en virtud de las estipulaciones del Tratado á que estos Reglamentos van anexos, bajo la letra C, un buen trato permanente, y una emancipacion entera y completa, en conformidad á las humanas intenciones de las Partes Contratantes del Tratado.

Artículo II. Inmediatamente despues que el Tribunal Mixto de Justicia, establecido en virtud del Tratado de que estos Reglamentos forman una pieza anexa, haya pronunciado sentencia de condenacion respecto de un buque acusado de estar empeñado en el Trafico ilegal de Esclavos, todos los Negros que estubieren abordo de dicho buque, y que hubiesen sido conducidos en él por via de negocio, serán entregados al Gobierno del lugar donde reside dicho Tribunal.

Artículo III. Los Negros asi libertados y entregados al Gobierno, serán puestos al cuidado de una Comision compuesta de dos miembros ó comisionados, facultados para nombrar un tercero en los casos que se expresan abajo.

En la colonia ó posesion de Su Magestad Britanica en que, segun el Tratado á que son anexos estos Reglamentos, existe un Tribunal Mixto de Justicia, la Junta de Superintendencia de los Negros manumitidos consistirá del gobernador de dicha colonia ó posesion, y del juez Monte-Videano del dicho Tribunal Mixto de Justicia; y cuando el juez Monte-Videano esté ausente, el arbitrador Monte-Videano sostituirá al juez en la Junta de Superintendencia de los Negros libertados.

En la colonia ó posesion de la Republica Oriental del Uruguay, en que resida un Tribunal Mixto de Justicia, en

conformidad al presente Tratado, la Junta de Superintendencia de los Negros libertos, consistirá del gobernador de aquella colonia ó posesion, y del juez Ingles del dicho Tribunal Mixto de Justicia; y cuando el juez Ingles esté ausente, entonces el arbitrador Ingles del dicho Tribunal Mixto de Justicia funcionará en lugar del juez, en la Junta de Superintendencia de los Negros libertados.

Les varios miembros de la Junta de Superintendencia, antes de entrar á egercer sus cargos, prestarán respectivamente juramento ante el principal magistrado del lugar, de desempeñar fielmente sus cargos, sin favor ni parcialidad, segun el verdadero espiritu y objeto de estos Reglamentos.

Artículo IV. Para mejor llevar á efecto el fin propuesto en estos Reglamentos, la Junta de Superintendencia escogerá y nombrará una persona de conocida probidad y humanidad, que obre bajo sus ordenes, con el titulo de curador de los Negros libertados; y este curador podrá, con autorizacion de la Junta, emplear las personas que sean necesarias, para ayudarlo en la egecucion de sus deberes.

El curador asi nombrado, antes de entrar al egercicio de sus funciones, prestará ante la Junta de Superintendencia, un juramento en los terminos siguientes:—

Yo, A. B., juro solemnemente, que desempeñaré segun mi saber y entender, fiel é imparcialmente, los deberes de mi cargo, y que me conduciré con el respeto debido á la autoridad de la Junta de Superintendencia de Negros libertados, á que estoy agregado.

Asi Dios me ayude.

Artículo V. El curador de los Negros libertados estará personalmente á la entrega que se haga de los Negros, á la persona encargada por el Gobierno para recibirlos, despues de pronunciada la sentencia de condenacion, como se ha especificado en el Artículo II de estos Reglamentos.

El empleado que los reciba extenderá y firmará recibos originales por duplicado, de los Negros que se entregan al Gobierno, especificando el numero de cada sexo, al tiempo que se le entreguen como se ha dicho arriba.

Uno de estos recibos originales se dará á la persona que estaba encargada de los Negros previamente, y el otro lal curador, que lo depositará en el registro del Tribunal

Mixto de Justicia que juzgó el caso del buque en que fueren capturados los Negros.

Al tiempo de la entrega de dichos Negros al Gobierno en el modo ya dicho, serán minuciosamente inspeccionados por el curador, el cual dará á cada Negro un nombre, cuyo nombre será entonces puesto por el curador en un libro que se llamará "Registro de Negros emancipados," y que se conservará á este fin en la oficina de la Junta de Superintendencia; y en frente del nombre se insertará una descripcion de la persona, que comprenda la edad probable y señales corporales, y todas las particularidades que puedan saberse respecto de la nacion y familia de tal Negro.

Cada Negro será despues marcado en la parte superior del brazo derecho, con un pequeño instrumento de plata, que tenga por emblema un simbolo de la libertad.

Artículo VI. La Junta de Superintendencia hará luego saber por avisos publicos, su intencion de poner en aprendizage los Negros libertados; y despues de transcursados siete dias del anuncio, se darán á jornal ó en aprendizage, ya sea por almoneda ó por propuestas, como se crea mejor; y los Negros serán luego distribuidos á sus patrones bajo las condiciones y estipulaciones mas abajo mencionadas, cuyas condiciones y estipulaciones serán publicadas al tiempo de la almoneda ó propuesta, y serán incorporadas en un contrato que se celebrará formalmente entre el patron y la predicha Junta. El contrato se extenderá por duplicado; será impreso y no manuscrito; y una copia de él será para el patron, y la otra para la Junta, bajo el cuidado del curador.

Cuando las sumas ofrecidas por dos ó mas personas diferentes por el servicio del Negro sean iguales, se dará la preferencia á la persona que intente emplear el Negro como artesano ó criado domestico.

Artículo VII. El periodo del servicio á que estará ligado un aprendiz, será de siete años por todos aquellos Negros que, al tiempo de empezar sus servicios, tengan de trece años de edad para arriba; pero tres de lo siete años pueden despues dispensarseles á discrecion de la Junta, por recomendacion del amo, probandose que el aprendiz es capaz de proporcionarse por si un modo de vivir honesto, y que es digno de esta indulgencia.

El aprendizage de los Negros que al tiempo de entrar á servir á salario, no lleguen á trece años de edad, continuará hasta la edad de veinte, pero sugeto á una diminucion de aquel termino, á discrecion de la Junta, probandose debidamente que el aprendiz es digno de esta indulgencia, y capaz ne mantenerse por si.

Si á la expiracion de un aprendizage pareciere á la Junta, por una inspeccion y examen personal del aprendiz, que no se halla aun en estado de ganar su vida, ó de hacer buen uso de una completa libertad con respecto á si mismo y á la comunidad, puede la Junta extender el periodo de su aprendizage por un nuevo termino de tres años. En tal caso se escogerá un nuevo amo, á menos que la Junta este bien satisfecha que el estado atrasado del aprendiz no es atribuible á descuido del primer amo.

Artículo VIII. Cuando se confian al mismo amo mas de un aprendiz, se cuida de escoger para este objeto, Negros que sean de misma nacion Africana, y si es posible, de la misma familia; y en ningun caso un muchacho de menos de catorce años de edad, será separado de su madre, sino que siempre entrará á aprendizage junto con su madre, bajo un mismo amo.

Artículo IX. El nombre y residencia del amo, asi como el nombre y posicion del establecimiento ó casa en que ha de residir el Negro liberto, se inscribirá en frente del nombre del Negro en el contrato.

Artículo X. Ningun Negro se dará en aprendizage á un amo que resida mas de veinte millas de distancia de la ciudad donde esté establecido el Tribunal Mixto de Justicia; y si algun amo á quien se haya dado en aprendizage un Negro, cambiase despues de residencia, será obligado á dar aviso inmediato de ello al curador.

Los aprendices deberán siempre residir en la hacienda ó casa particular del amo, cual se requiere, que esté dentro de la distancia arriba mencionada del lugar en que este establecido el Tribunal Mixto de Justicia.

Artículo XI. A ninguna persona se encargará uno ó mas Negros libertos, si no prueba á la Junta, que posee medios suficientes para el empleo, mantenimiento, y sosten de dicho Negro ó Negros, y se hará responsable á si mismo, bajo la pena de ochenta pesos por cada Negro, de que

serán cumplidas por él las condiciones bajo las cuales reciba dicho Negro.

Artículo XII. El amo se obligará á pagar una suma estipulada por el estipendio de cada aprendiz.

El curador puede, si el valor del servicio del Negro ha de pagarse en una sola suma, pedirla anticipada al alquila; y si ha de pagarse periodicamente, puede pedirla por cuartas partes anticipadas.

Artículo XIII. El amo se obligará:—

1. A que el aprendiz sea mantenido con alimentos sanos y abundantes; y á que se le provea de la ropa que sea usual segun la costumbre del pais.

2. Que será instruido en las verdades de la religion Cristiana, para que pueda ser bautizado antes de la expiracion del secundo año de su aprendizage.

3. Que será vacunado lo mas pronto posible despues de estar en poder del amo; que en caso de enfermedad se le subministrarán los auxilios de la medicina, y será asistido con el debido cuidado y atencion; y que en caso de muerte, será enterrado decentemente á costo del amo.

4. Que al aprendiz se le enseñará algun egercicio util, ó se le instruirá en algun oficio ó arte mecanico, que lo habilite para mantenerse cuando se haya concluido el termino de su servicio.

5. Que siempre que nazca un niño de alguna Negra aprendiz, el amo dará immediatamente aviso del caso á la Junta de Superintendencia, para que sea debidamente registrado.

6. Que el bautismo del niño nacido se verificará dentro de tres meses despues de su nacimiento, y que la libertad de esta criatura será anotada en el libro bautismal; pero que el dicho niño permanecerá al lado de su madre del mismo modo que otro aprendiz, hasta que cese el aprendizage de la madre.

Artículo XIV. En ningun caso está autorizado un amo para transferir á otro amo, su Negro aprendiz, sin la sancion especial y escrita de la Junta; y si el amo dejase el pais, ó cambiase su residencia á otro parage del pais que esté fuera de los limites ya aqui fijados para las personas que tengan aprendices, ó si en razon del atraso á que pudieran reducirlo las circunstancias, tuviese que dar de mano a su establecimiento, entonces y en cualquiera de estos casos, lo comuni-

cará á la Junta, y presentará y entregará á la Junta sus aprendices, la cual los recibirá, y los dará luego en aprendizage á otro amo por el resto del periodo que tengan que servir los tales aprendices, y con las mismas condiciones impuestas al primer amo; mas en ningun caso le es permitido al amo entregar su aprendiz á cualquiera otra autoridad que no sea la misma Junta, ó el curador con ordenes de la Junta.

Si algun aprendiz se hiciese culpable de crimenes contra las leyes del pais, ó se diese á una embriaguez habitual, ó fuera culpable de insubordinacion ó descuido culpable, ó destruyere las propiedades de su amo, puede este en tal caso traerlo ante la Junta de Superintendencia, y probando los hechos, tendrá facultad la Junta para rescindir el contrato.

Artículo XV. Si algun aprendiz se huyese, el amo dará inmediatamente aviso de ello al curador, quien procederá inmediatamente á hacer una investigacion sumaria del hecho, para conocimiento de la Junta de Superintendencia.

Todo amo á quien se pruebe haber dispuesto indebidamente de su aprendiz, dandolo por muerto, ú ocultandolo, pagará de multa trescientos pesos.

La mitad de esta multa será para los denunciantes, y el resto para el curador, quien le pondrá á disposicion de la Junta, para los fines que abajo se mencionarán.

Artículo XVI. Si algun aprendiz cayese enfermo, el amo dará inmediatamente cuenta de ello al curador, para que él, ó uno de sus auxiliares, pueda visitar al dicho aprendiz, y dar aviso á la Junta de la naturaleza de su mal, y del modo como dicho Negro es asistido.

Si algun aprendiz muriese, se dará inmediatamente aviso al curador, para que él, ó alguno de sus auxiliares, pase á asegurarse de que el Negro muerto era real y verdaderamente el aprendiz descripto como tal en registro.

A este fin el curador, ó su auxiliar, practicará las indagaciones que juzgue necesarias, interrogando á los habitantes de la casa en que murió el Negro, á los vecinos, ó á cualesquiera otras personas; y tomará cualesquiera otras medidas que juzgue conducentes para poder asegurarse de la verdad, á fin de que el entierro del Negro, que se hará á costa del amo, se verifique sin mas demora.

El curador extenderá luego oficialmente una relacion

sumaria de esta indagacion, y se transmitirá sin demora á la Junta.

El curador, despues de haber asegurado la identidad del cadaver de cualquier aprendiz que muriese, indagará la causa de su muerte, y si pareciese haber sido natural, anotará el hecho en el registro.

Si la causa de la muerte fuese dudosa ó no pareciese natural, interrogará á los otros Negros y otros habitantes de la casa, y tomará todas las demas medidas que pareciesen necesarias para averiguar lo ocurrido en el caso; y si hubiere razon de sospechar que la muerte del Negro ha sido ocasionada por violencia, tratamiento impropio, ó descuido culpable, adoptará el medio propio para llamar á juicio al ofensor ante los Tribunales del pais.

Artículo XVII. Si el amo de algun aprendiz faltase á alguna de estas condiciones, se le impondrá una multa qu no baje de cincuenta, ni pase de cien pesos, la mitad de l cual será para el denunciante, y la otra mitad se pondrá disposicion de la Junta de Superintendencia, á los fine que se mencionarán despues; y en caso de torpe trata miento de parte del amo con su aprendiz, si la Junta de Superintendencia lo cree conveniente, ademas de pagar la multa arriba mencionada, perderá su derecho á los servicios del aprendiz, y el dicho aprendiz será sacado del poder del tal amo, y será dado en aprendizage á otro amo por el resto de su termino de aprendizage.

Artículo XVIII. Si el amo de algun aprendiz muriese, su heredero, ó la persona en quien recayese la posecion del tal aprendiz, lo participará á la Junta de Superintendencia dentro de cuatro dias de la muerte del amo.

Sobre este aviso, la Junta expidirá orden al curador para que presente ante ella el aprendiz; y verificado esto, la Junta lo dará en aprendizage á otro amo bajo las condiciones establecidas.

Si el heredero, ó la persona que estuviese en posecion del tal aprendiz, descuidase dar parte de la muerte del amo dentro ne cuatro dias, pagará un peso por dia por cada negro aprendiz perteneciente al amo muerto, hasta que los entregue todos á la dicha Junta; y ademas quedará sugeto á las otras penas impuestas por el no cumplimiento de las condiciones establecidas por estos Reglamentos.

Artículo XIX. Si algun Negro liberto se diese en aprendizage, ó se alquilase al Gobierno, el contrato contendrá las mismas condiciones y estipulaciones respecto del Negro, que se han prescripto antes para casos en que el Negro se dé en aprendizage á individuos particulares.

Artículo XX. Los Negros libertos podrán entrar á servir de soldados y marineros en las fuerzas regulares terrestres y navales, del Etstado en cuyos territorios ó dominios hayan sido libertados, á discrecion de la Junta de Superintendencia, y previo conocimiento de da libre y expontanea voluntad de dichos Negros para dedicarse á este servicio.

En tal caso la Junta cuidará de asegurarse de que los Negros entienden plenamente y conocen le naturaleza de los empeños en que entran, alistandose.

El Gobierno en cuyo servicio se alistan los Negros, firmará un recibo de ellos, cuyo recibo será entregado al curador al tiempo del alistamiento; y la Junta tomará medidas para asegurar á dichos Negros su completa y permanente libertad, segun el principio contemplado en estos Reglamentos.

Artículo XXI. Los Negros libertos que no se hayan colocado en aprendizage, ó que no se hayan alistado en las fuerzas terrestres ó navales del Estado á que pertenece la colonia ó posesion en que se hallen, ó cuyos contratos hayan venido á ser nulos, ó hayan sido chancelados, serán mantenidos por el Gobierno de la tal colonia o posesion, y serán conservados dentro de veinte millas del lugar donde resida el Tribunal Mixto de Justicia.

El gasto de mantenimiento y sosten de dichos Negrs será de cuenta del Gobierno de la colonia ó posesion; pero estarán bajo el cuidado y superintendencia de la Junta y del curador; y los presentes Reglamentos serán aplicados á ellos en todos respectos, menos en lo tocante al aprendizage.

Artículo XXII. El curador procurará esplicar á cada Negro, por medio de un interprete, la naturaleza de cualquier contrato que haya de ligarlo; y le informará que si alguna vez fuese maltratado por su amo, debe quejarse al curador, ó á la Junta de Superintendencia de los Negros libertados.

Artículo XXIII. Será del deber del curador, ó de sus auxiliares, visitar una vez, á lo menos, cada trez meses,

todos los lugares donde haya Negros libertos bajo la superintendencia de la Junta; examinará é inspeccionará dichos Negros, oirá sus quejas, inquirirá y averiguará la verdad de ellas, é investigará los abusos que puedan afectar á dichos Negros, y tomará informes sobre la conducta general de los mismos Negros.

El curador transmitirá luego al conocimiento de la Junta, las quejas que le pongan los Negros, y toda falta que haya en el cumplimiento de las estipulaciones de los contratos en virtud de los cuales sirven dichos Negros; y en todos los casos de queja bien fundada, la Junta tomará las medidas convenientes para repararla.

Las inspecciones arriba prescriptas no han de hacerse en periodos determinados, sino en tiempos inciertos é inesperadamente.

El curador informará tambien á la Junta cada tres meses acerca del estado en que encuentre á los Negros libertos; y estos informes se insertarán en un libro que ha de llevarse con este obgeto, que se llamará "Informes del Curador," y que ha de depositarse en la oficina de la Junta, de modo que refiriendose á él, se sepa facilmente la condicion y comportacion de cada Negro liberto.

Artículo XXIV. Todos los procedimientos del curador, asi como todos los hechos que de tiempo en tiempo llegasen á su conocimiento, respecto de los Negros libertos, serán inmediatamente comunicados por él á la Junta de Superintendencia; y el no ha de instituir otros procedimientos, ni dar otros pasos respecto de dichos Negros, sin el conocimiento y sancion de la Junta.

Artículo XXV. El curador recibirá todas las sumas que han de pagarse por precio del aprendizage, y todas las cantidades procedentes de las multas en que incurriesen los amos, y dará cuenta de todo á la Junta de Superintendencia.

El importe de estas cantidades se aplicará á los efectos que se mencionarán mas abajo.

Artículo XXVI. Cuando haya expirado el termino del servicio de algun aprendiz, el curador, bajo la direccion de la Junta de Superintendencia, intimará al aprendiz, junto con su amo, á que comparezca ante la dicha Junta. Entonces el amo entregará á la Junta la escritura del Negro, y el Negro recibirá de la Junta un certificado que especifique

que tal Negro ha completado el termino de su aprendizage, y está habilitado para gozar de todos los derechos y privilegios de una persona libre.

El curador cuidará que este certificado sea legalizado y archibado segun la costumbre del pais.

Artículo XXVII. La Junta de Superintendencia tendrá la facultad de amonestar al curador y á cualquiera de los empleados que sirvan á las ordenes de la Junta, si el curador ú otro empleado dejase de cumplir fielmente con su deber; y si la Junta lo considerase necesario, podrá destituir al curador ú otro empleado, y nombrar succesores.

Artículo XXVIII. Los procedimientos necesarios para el cobro de las cantidades que debieren los amos por los salarios de los aprendices, y para promover el pago de las multas arriba impuestas, se entablarán en los Tribunales correspondientes de Justicia del pais en que respectivamente resida la Junta de Superintendencia, y se proseguirán á instancia de la Junta.

Los gastos de estos procedimientos serán pagados como abajo se dirá; y las Altas Partes Contratantes se obligan por este á conferir, dentro de dos meses del cange de las ratificaciones del Tratado á que van anexos estos Reglamentos, la autoridad y poder necesario á los Tribunales de Justicia del pais, donde respectivamente residan las Juntas de Superintendencia, para tomar conocimiento de las acciones que se entablen sobre la debida egecucion de estos Reglamentos, en los Tribunales de Justicia á instancia de las Juntas, á fin de que se cobren las multas antes mencionadas, y las cantidades ante-dichas se recojan, y se paguen á la persona designada por estos Reglamentos para recibir dichas multas y dineros.

Artículo XXIX. El dinero procedente del salario de Negros libertos, y tambien de las multas en que encurriesen los amos, será depositado por el curador en una caja con tres llaves, dandose una á cada una de los miembros de la Junta de Superintendencia, y la otra al curador.

El Curador depositará estas diversas sumas asi que las reciba, haciendo previamente un asiento formal de lo recibido, en un libro que se llevará con este fin.

Este dinero se aplicará del modo siguiente, á saber: una parte, á discrecion de la Junta de Superintendencia, se

pagará al curador y á los otros empleados de la dicha Junta, por sus salarios; otra parte del fondo remanente, la que fuese necesaria, se aplicará al pago de los gastos de proceso contra los amos por falta de cumplimiento de las condiciones y estipulaciones de sus contratos, y tambien al pago en general de los demas gastos en que discurriere para llevar á efecto estos Reglamentos; y el resto del fondo, si lo hubiere, se empleará á discrecion de la Junta, en promover la comodidad y bienestar de los Negros libertos, bien sea durante el termino de su servicio, ó á su expiracion, y especialmente en premiar á los Negros libertos que se señalasen por su buena conducta.

Las cuentas de estos fondos, y del modo en que han sido aplicados, se formarán por duplicado al fin de cada año, por el curador; y despues que estas cuentas hayan sido examinadas y aprobadas por la Junta, uno de los duplicados será transmitido por cada uno de los miembros al Gobierno en cuyo nombre obra.

Si el fondo no fuese suficiente para liquidar las demandas justas y necesarias hechas con los objetos requeridos, será abonado el deficit por partes iguales por los dos Gobiernos.

Artículo XXX. En caso que se suscite alguna diferencia entre los dos expresados miembros de la Junta, respecto de la asignacion que ha de hacerse á los empleados de su dependencia, ó acerca de cualquiera otra materia en la egecucion de estos Reglamentos,—si esta diferencia ocurriese en una colonia ó posesion Inglesa, la Junta llamará á la persona que en esa colonia ó posesion haga de arbitrador Monte-Videano del Tribunal Mixto de Justicia, segun el Tratado; y si el caso ocurriese en colonia ó posesion Monte-Videana, la Junta de Superintendencia llamará á la persona que oficie en dicha colonia ó posesion como arbitrador Ingles del Tribunal Mixto de Justicia, segun el Tratado; y la Junta de Superintendencia de Negros libertos asi formada, y compuesta de los dos miembros y de un arbitrador, decidirá a mayoria de votos los puntos de diferencia.

No será permitido á los miembros de la Junta de Superintendencia, ni á ningun empleado de su dependencia, pedir ni recibir de nadie, menos en los casos especificados, emolumento alguno, por ningun pretesto, por el cumpli-

miento de los deberes que se les imponen por los presentes Reglamentos.

Artículo XXXI. Nada de lo contenido en el presente Reglamento se interpretará como que exima á un Negro liberto de su sugecion, como un hombre libre, á ser perseguido por cualquier ofensa cometida por él (menos en los casos previstos) contra las leyes del pais en que se halle; pero en todos los casos imputados á un Negro bajo el cuidado de la expresada Junta de Superintendencia, se le administrará justicia como á un hombre libre, y el curador, bien por si ó por persona responsable y autorizada para aquel objeto, asistirá á los Tribunales de Justicia del pais, para ver que se administra justicia al Negro.

Artículo XXXII. Queda ademas estipulado, con la mira de evitar una innecesaria multiplicacion de palabras, que todo lo que contienen los antecedentes Reglamentos, que es aplicable á los amos, deberá tambien entenderse como aplicable á las amas; y que todo cuanto contienen los dichos Reglamentos con respecto á Negros y aprendices, aplicable al genero masculino y singular, debe entenderse aplicable igualmente al sexo femenino y al numero plural, á menos que semejante inteligencia esté en expresa oposicion á alguna otra disposicion de estos Reglamentos.

Artículo XXXIII. Este Reglamento se insertará en la Gaceta Oficial ó Diario del Gobierno de cada una de las Altas Partes Contratantes de este Tratado, y tambien en el Diario Oficial ó Gaceta del lugar en que se halle establecido el Tribunal Mixto de Justicia respectivamente; y los Gobiernos de los dichos paises transferirán á las dichas Juntas de Superintendencia de Negros libertos, á los curadores, y á sus auxiliares dependientes de dichas Juntas, la autoridad necesaria para habilitar á las dichas Juntas de Superintendencia, á los curadores, y á los auxiliares de su dependencia, á desempeñar respectivamente sus deberes, y egercer la autoridad que se la confia por este Reglamento.

Los abajo firmados Plenipotenciarios han convenido, en conformidad con el Artículo XIII del Tratado firmado por ellos hoy trece de Julio, de mil ochocientos treinta y nueve, que el precedente Reglamento, que consiste en treinta y tres Artículos, se agregue á dicho Tratado, y sea considerado parte integrante de él.

Fecho en Monte-Video, hoy trece de Julio, de mil ochocientos treinta y nueve.
(L.S.) J. H. MANDEVILLE. (L.S.) JOSE ELLAURI.

Artículos Adicionales al Tratado celebrado hoy trece de Julio, de mil ochocientos treinta y nueve, entre Su Magestad Britanica y la Republica del Uruguay, para la abolicion del Comercio de Esclavos.

ARTICULO I. No teniendo el Gobierno Oriental del Uruguay, en las circunstancias presentes, mas que los buques de guerra necesarios para guardar las costas de la Republica, se ha convenido que la Republica del Uruguay quede exonerada por el espacio de diez años, contados desde el cange de las ratificaciones de este Tratado, de la obligacion de emplear cruceros para la supresion del Trafico de Esclavos, á menos que lo considere conveniente.

Artículo II. Se ha convenido y arreglado, que si hay alguna demora en el establecimiento del juez y del arbitrador que deberán nombrarse por parte de la Republica del Uruguay, para actuar en cada uno de los Tribunales Mixtos de Justicia que deberán establecerse por este Tratado; ó que si estos empleados llegan á ausentarse despues de su nombramiento; entonces, y en cualquiera de estos casos, el juez y arbitrador nombrados por parte de Su Magestad Britanica, y que estén presentes en los expresados Tribunales, procederán, en ausencia del juez y arbitrador Oriental, á abrir los indicados Tribunales, y conocerán de los pleitos, que les competan por este Tratado; y la sentencia pronunciada en tales pleitos por los expresados juez y arbitrador Britanico, tendrá la misma fuerza y validez, que si el juez y arbitrador por parte de la Republica Oriental hubiesen sido nombrados, y hubiesen estado presentes, y administrando justicia en los Tribunales Mixtos, sobre causas de su competencia.

Artículo III. Se ha convenido igualmente que, no obstante las estipulaciones del Artículo II de la Pieza anexa B, mientras el juez y el arbitrador Oriental no hayan sido nombrados, no será necesario que la Republica del Uruguay nombre el secretario ó actuario mencionado en el referido Artículo; que entretanto, el secretario ó actuario del Tribunal que exista en el territorio de la Republica Oriental,

será nombrado y pagado por el Gobierno de Su Magestad Britanica; y que todos los gastos de los dos Tribunales que por este Tratado se establezcan, serán sufragados por el Gobierno de Su Magestad Britanica.

Artículo IV. Si apareciese algun error ó equivocacion en la traduccion Castellana de este Tratado, se deberá pasar por el texto Ingles.

Estos Artículos Adicionales formaran una parte integrante del Tratado para suprimir el Trafico de Esclavos, que acaba de firmarse, y tendrán la misma fuerza y validez que si se hallasen insertos, palabra por palabra, en aquel Tratado, que será ratificado, y cuyas ratificaciones serán cangeadas en Monte-Video, los mas pronto posible en el termino de ocho meses contados desde la fecha.

Celebrado en Monte-Video, el dia trece de Julio, del año del Señor de mil ochocientos treinta y nueve.

(L.S.) J. H. MANDEVILLE. (L.S.) JOSE ELLAURI.

VENEZUELA.

TREATY *between Her Majesty and the Republic of Venezuela, for the abolition of the Slave Trade.—Signed at Caracas, March* 15, 1839.

[Ratifications exchanged at Caracas, Dec. 12, 1839.]

Treaty on the abolition of the Traffic in Slaves, concluded between Her Majesty the Queen of Great Britain and Ireland and the Republic of Venezuela.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Venezuela, being mutually animated by a sincere desire to co-operate for the complete extinction of the Traffic in Slaves in all parts of the world, have resolved to proceed to the conclusion of a Treaty for the special purpose of immediately attaining this object, so far as relates to the total and final abolition of this barbarous Traffic, and therefore have named, for this object, as their respective Plenipotentiaries, to wit: Her Britannic Majesty, Sir Robert Ker Porter, Knight, and Knight Commander of the Royal Hanoverian Guelphic Order, Her Majesty's Chargé d'Affaires in Caracas; and the Republic of Venezuela, Señor Jose Santiago Rodriguez,

Judge and Attorney-General of the Supreme Court of Justice; who, having duly communicated to each other their respective full powers, and found them to be in proper form, have agreed upon and concluded the following Articles:—

ARTICLE I. Great Britain and the Republic of Venezuela declare the Traffic in Slaves abolished for ever. And in order to avoid any doubts that may hereafter occur from any circumstances proving prejudicial to the interests of commerce and navigation, for want of a proper explanation of the real spirit of the phrase "Traffic in Slaves,"—do here mutually declare to be understood by such traffic, such only which is carried on in Negroes brought from Africa, in order to transport them to other parts of the world for sale; but in no manner whatever the conveying from one port or place to another belonging to the Republic, the Slaves existing within it, be such undertaken either with the object of selling them, or with any other not prohibited by the laws.

Article II. The Republic of Venezuela agrees to preserve in force the provisions of the Law of the 18th of February, 1825, the object of which is, to declare as pirates, and punish, with the pain of death, all such Venezuelians who, on the high seas, or in any other place under the jurisdiction of the Republic, may be found embarking, transporting, or disembarking, one or more persons brought from Africa as Slaves.

Article III. Although the law just cited has produced the desired effect, in not having been infringed by any Venezuelians up to this time, Venezuela, notwithstanding, will promulgate every other legislative provision that may be deemed requisite for the prevention of Her citizens engaging in any way in the said Traffic in Slaves, and for the complete extinction thereof, seeing that the same are in harmony with those which may be promulgated by Great Britain for the like object.

Article IV. Her Majesty the Queen of Great Britain and Ireland, and the Republic of Venezuela, mutually engage to specify, by an Additional Convention hereafter to be concluded between the Contracting Parties, the acts which constitute piracy, in which will be comprehended the Traffic in Slaves; and that, after the conclusion of such Convention, the Legislative Power of each country shall promulgate, with as little delay as possible laws for

the punishment of said acts committed by the respective subjects or citizens of either nation.

Article V. In order more effectually to prevent all infringement of the present Treaty, the Contracting Parties mutually agree, that the ships of war of their respective nations, which are furnished with the special Instructions as will be hereinafter mentioned, may visit such merchant vessels of the two nations as may be suspected, upon reasonable grounds, of being engaged in the Traffic in Slaves; provided that such be done only within the waters hereinafter expressed, namely:—

1st. Along the western coast of Africa, from Cape Verd to the distance of ten degrees to the south of the equator; that is to say, from the 10th degree of south latitude to the 15th degree of north latitude, and as far as the 40th degree of east longitude, reckoning from the meridian of Caracas.

2nd. All round the Island of Madagascar, to the extent of twenty leagues from that island.

3rd. The same distance from the coasts of the Island of Cuba.

4th. The same distance from the coasts of the Island of Puerto Rico; and

5th. The same distance from the coasts of Brazil.

It is however understood, that a suspected vessel descried, and begun to be chased by the cruizers, whilst within the said space of twenty leagues, may be searched by them beyond those limits, if, without ever having lost sight of her, they should only succeed in coming up with her at a greater distance from the coast.

Article VI. The cruizers may detain vessels trafficking in Slaves, be it that they have been fitted out with this object, or that, during the voyage on which they are met with, they may have been employed in the before-mentioned Traffic, in contravention of what is stipulated in the present Treaty; and may send or conduct them to those places where they may be brought before the proper tribunals that take cognizance of piracy, according to the laws of the respective countries. It is not by this to be understood, that Venezuela is obliged to fit out cruizers expressly to aid in the pursuit of vessels engaged in the Traffic in Slaves.

Article VII. In order to regulate the mode of carrying into effect the provisions of the two preceding Articles, the Contracting Parties have agreed:—

1st. That all ships of the navies of the two nations, which shall be hereafter employed to prevent the Traffic in Slaves, shall be furnished by their respective Governments with a copy of the present Treaty, in the English and Spanish languages; and also of the Instructions for Cruizers annexed thereto, which Annex shall be considered as an integral part of this Treaty.

2nd. That Great Britain shall communicate from time to time to Venezuela, the names of the several ships furnished with such Instructions, the force of each, and the names of their respective commanders, and the same will be done by Venezuela towards Great Britain, whenever cruizers on her part shall be established with the like object.

3rd. That if, at any time, there shall be just cause to suspect that any merchant vessel under the flag, and proceeding under convoy of any ship or ships of war, of either of the Contracting Parties, is engaged, or intended to be engaged, in the Traffic in Slaves, or is fitted out for that purpose, or was, during the voyage in which she may be met with, engaged in the Traffic in Slaves,—it shall be lawful for the commander of any ship of the navy of either of the two Contracting Parties to visit the said merchant vessel, provided such be done within the limits specified in Article V of this Treaty; and such commander shall proceed to effect the same in communication with the commanding officer of the convoy, who, it is hereby agreed, shall give every facility to such visit, and to the eventual detention of such vessel, and in all things shall assist, to the utmost of his power, in the due execution of the present Treaty.

4th. It is further mutually agreed that the commanders of the ships of the two navies, who shall be employed on this service, shall adhere strictly to the exact tenour of the aforesaid Instructions annexed to this Treaty.

Article VIII. The Contracting Parties engage mutually to make good any losses which their respective subjects or citizens may incur by the arbitrary or illegal detention of their vessels; it being understood that this indemnity shall

invariably be borne by the Government whose cruizer shall have been guilty of such arbitrary and illegal detention; agreeing likewise, that the visit and detention of vessels specified in Articles V and VI of this Treaty, can only be executed by British and Venezuelian ships of war, and by those only which are furnished with the special Instructions annexed to the present Treaty for its complete execution.

Article IX. In case the commanding officer of any of the ships of the navies of Great Britain and of Venezuela respectively, duly commissioned according to the provisions in the Articles V and VI of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby, shall be entitled to demand reparation; and, in such case, the Government to which such commanding officer may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportionate to the transgression committed.

Article X. It is hereby further agreed, that every merchant vessel, British or Venezuelian, which shall be visited, by virtue of what is expressed in the Vth and VIth Articles of the present Treaty, may lawfully be detained, and sent or brought before the corresponding tribunal of the nation to which she belongs, if, in her equipment, there shall be found any of the things hereafter mentioned, namely:

1st. Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

2nd. Divisions or bulkheads in the hold or on deck, in greater number than are necessary for vessels engaged in lawful trade.

3rd. Spare planks, fitted for laying down as a second or slave-deck.

4th. Shackles, bolts, and handcuffs.

5th. A larger quantity of water in casks, or in tanks, than is requisite for the consumption of a crew of the vessel as a merchant vessel.

6th. An extraordinary number of water casks, or of other vessels for holding liquid, unless the master shall produce a certificate from the custom-house at the place from which he cleared outwards, stating that a sufficient

security had been given by the owners of such vessel, that such extra quantity of casks, or other vessels, should only be used to hold palm oil, or for other purposes of lawful commerce.

7th. A greater quantity of mess tubs or kids than are requisite for the use of the crew of the vessel, as a merchant vessel.

8th. A boiler of an unusual size, and larger than requisite for the use of the crew of the vessel, as a merchant vessel; or more than one boiler of the ordinary size.

9th. An extraordinary quantity either of rice, of the flour of Brazil, of manioc or casava, commonly called farinha, of maize, or of Indian corn, beyond what might probably be requisite for the use of the crew: such rice, flour, maize, or Indian corn, not being entered on the manifest as part of the cargo for trade.

Any one or more of these several circumstances, if proved, shall be considered as indications *primâ facie* of the actual employment of the vessel in the Slave Trade; and will serve, therefore, to condemn and declare her a lawful prize, unless it be established by satisfactory evidence on the part of the master or owners, that the vessel, at the time of her detention, was employed in some legal pursuit.

Article XI. If in any merchant vessel shall be found any of the things specified in the preceding Article, the master or owner, or whatever other person interested in her equipment or cargo, shall not have any right to claim a compensation for losses, damages, or expenses, in consequence of the detention, although the tribunal which passes judgment may not have pronounced sentence of condemnation; unless it be clearly proved that the objects which occasioned said detention, were not on board for the Slave Trade; in which case, the captor, and, in his default, the Government to which he belongs, shall be responsible to the master or owner of the vessel for the losses and damages in question.

Article XII. It is agreed between the two Contracting Parties, that in all cases in which a vessel shall be detained, under this Treaty, by their respective cruisers, as having been engaged in the Slave Trade, or as having been fitted out for the purposes thereof, and shall be adjudged and

condemned accordingly, the vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been broken up.

Article XIII. It is mutually agreed upon, that the Act or Instrument annexed to this Treaty, shall form an integral part thereof, entitled as follows:—

"Instructions for the ships of war, British and Venezuelian, which the respective Governments may please to destine for the prevention of the Traffic in Slaves."

Article XIV. The present Treaty, consisting of fourteen Articles, shall be ratified, and the ratifications thereof exchanged in Caracas, within the space of twelve months from this date, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed in duplicate, originals, English and Spanish, of the present Treaty, and have affixed their respective seals.

Done in Caracas, this fifteenth day of March, in the year of our Lord one thousand eight hundred and thirty-nine.

ROBT. KER PORTER. JOSE SANTIAGO RODRIGUEZ.

ANNEX *to the Treaty between Great Britain and the Republic of Venezuela for the abolition of the Traffic in Slaves.*

Instructions for the ships of war, British and Venezuelian, which the respective Governments may please to destine for the prevention of the Traffic in Slaves.

ARTICLE I. The commander of any ship of war belonging to Her Britannic Majesty, or to the Republic of Venezuela, which shall be furnished with these Instructions, shall have a right to visit, search, and detain, any British or Venezuelian merchant vessel which shall be engaged, or suspected to be engaged in the Slave Trade, or to be fitted out for the purpose thereof, or to have been engaged in the Traffic in Slaves during the voyage in which she may be met with by such ship of the British or Venezuelian navies, provided that the visit, search, and detention be made in accordance with the places, and within the limits marked

out in Article V of the Treaty signed this day, and which forms a part of the present Instructions. And the said commander shall thereupon, without delay, bring or send such merchant vessel, with her master, crew, cargo, and Slaves found on board, to one of the ports hereafter mentioned, in order that proceedings may be instituted in regard to them, conformably to the laws of the nation under whose flag the vessel is sailing: such commander shall deliver the same, together with her papers, to the proper authorities, or to the persons that may have been specially appointed for that purpose by the respective Governments.

Article II. Whenever a ship of war of either of the two Contracting Nations, duly authorized as aforesaid, shall meet a merchantman liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the visit shall be made by an officer holding a rank not lower than that of lieutenant in the navies of Great Britain and Venezuela respectively, or by the officer who, at the time, shall be second in command of the ship by which such search is made.

Article III. The commander of any ship of the two navies, duly authorized as aforesaid, who may detain any merchant vessel in pursuance of the tenour of the present Instructions, shall leave on board the vessel so detained, the master, the mate or boatswain, and the crew thereof, all the cargo, and the whole of the Slaves, if any, except in the cases hereinafter specified in respect to Slaves on board of Venezuelian vessels.

The captor shall, at the time of detention, draw up in writing, an authentic declaration, which shall exhibit the state in which he found the detained vessel; such declaration to be signed by himself, and to be given in, or sent, together with the captured vessel, to the authorities before which such vessel shall be carried or sent for trial.

He shall deliver to the master of the detained vessel a signed certificate of the papers seized on board the same, as well as of the number of Slaves found on board at the moment of detention.

In the authenticated declaration which the captor is hereby required to make, as well as in the certificate of the papers seized, he shall insert his own name; the name of the capturing ship; the latitude and longitude of the place where the detention shall have taken place; and the number of Slaves found on board the vessel at the time of the detention.

The officer in charge of the vessel detained, shall, at the time of delivering up the vessel to the competent authorities, transmit to the said authorities a paper signed by himself, and verified on oath, stating the changes which have taken place in respect to the vessel, her crew, the Slaves, if any, and her cargo, from the period of her detention until the time of delivering up such vessel.

Article IV. The Slaves shall not be disembarked till after the vessel which contains them shall have arrived at the place of trial; except in the cases hereinafter specified in respect to Slaves on board Venezuelian vessels, and when urgent motives, deduced from the length of the voyage, the state of health of the Slaves, or from other causes, shall require that either the whole, or a portion of the Negroes, be disembarked before the vessel can arrive at the place of trial. In this latter case, the commander of the capturing ship may take upon himself the responsibility of so disembarking the Negroes, provided that such necessity and causes thereof, be stated in a certificate in proper form, and that this certificate shall be drawn up and entered at the time, on the log-book of the detained vessel.

Article V. All such British vessels as shall be detained on the Brazilian station by Venezuelian cruizers, shall be carried and delivered up to the British jurisdiction at the colony of Demerara.

All such British vessels as shall be detained on the West Indian station by Venezuelian cruizers, shall be carried and delivered up to the British jurisdiction at Port Royal in Jamaica.

All such British vessels as shall be detained on the Madagascar station by Venezuelian cruizers, shall be carried and delivered up to the British jurisdiction at the Cape of Good Hope.

All such British vessels as shall be detained on the

African station by Venezuelian cruizers, shall be carried and delivered up to the British jurisdiction at Bathurst on the river Gambia.

All such Venezuelian vessels as shall be detained on the Brazilian and West Indian stations, as well as on those of Africa and Madagascar, by British cruizers, shall be carried and delivered up to the Venezuelian jurisdiction at any of the ports belonging to the Republic; except in cases in which Slaves shall be on board at the time of capture, when the vessel shall, in the first instance, be sent to deposit the Slaves at the port to which the vessel would have been taken for trial, if she had been under the English flag. The vessel, with the rest of her cargo and crew, shall afterwards be sent on and delivered to the Venezuelian jurisdiction at any of the ports belonging to the Republic, as above stipulated.

The undersigned Plenipotentiaries have agreed, in conformity with the XIIIth Article of the Treaty signed by them on this day, the fifteenth of March, in the year of our Lord one thousand eight hundred and thirty-nine, that the preceding Instructions, consisting of five Articles, shall be annexed to the said Treaty, and be considered an integral part thereof.

The fifteenth day of March, one thousand eight hundred and thirty-nine.

ROBT. KER PORTER. JOSE SANTIAGO RODRIGUEZ.

Tratado sobre abolicion del Tráfico de Esclavos, concluido entre la República de Venezuela y Sa Majestad la Reyna de la Gran Bretaña é Irlanda.

LA República de Venezuela, y Su Majestad la Reyna del Reyno Unido de la Gran Bretaña é Irlanda, mutuamente animadas del sincero deseo de co-operar á la completa extincion del Tráfico de Esclavos en todas las partes del mundo, han resuelto proceder á la conclusion de un Tratado con el fin especial de obtener inmediatamente su resultado, en todo lo que concierna á la final abolicion de este barbaro comercio, y al efecto han nombrado como Plenipotenciarios: la República de Venezuela, al Señor

Jose Santiago Rodriguez, Ministro Fiscal de la Corte Suprema de Justicia; y Su Majestad Britanica, á Sir Robert Ker Porter, Caballero, y Caballero Comendador de la Real Orden Hanoveriana de Guelph, y Su Encargado de Negocios en Caracas; quienes, habiendo comunicado reciprocamente sus plenos poderes, y halladolos en debida forma, han acordado, convenido, y concluido los Artículos siguientes:—

Articulo I. La República de Venezuela y la Gran Bretaña declaran para siempre abolido el Tráfico de Esclavos. Y para evitar dudas que puedan ocasionar despues algunos procedimientos perjudiciales á los intereses del comercio y navegacion, por la falta de inteligencia de la frase "Tráfico de Esclavos,"—declaran igualmente que se entiende por dicho Tráfico, aquel que se hace con los Negros que se extraen de Africa para trasportarlos á otros puntos del mundo como objeto de venta; y de ninguna manera el trasporte de un punto á otro de la República, de los Esclavos existentes en ella, bien se verifique con el objeto de venta, ó con algun otro no prohibido por sus leyes.

Artículo II. La República de Venezuela se compromete á conservar vijentes las disposiciones de la Ley de 18° de Febrero, de 1825, que tienen por objeto declarar piratas, y castigar con la pena de muerte, á los Venezolanos que, en alta mar, ó en cualquiera de los puntos que estan bajo la jurisdiccion de la República, se encuentren embarcando, trasportando, ó desembarcando, una ó mas personas extraidas de Africa en clase de Esclavos.

Artículo III. Aunque la citada ley ha producido el efecto deseado, supuesto que hasta ahora no ha sido infringida por ningun Venezolano, sin embargo Venezuela dictará todas las demas disposiciones legislativas que crea conducentes á impedir que sus ciudadanos incurran de algun modo en el dicho Tráfico de Esclavos, y á la completa extincion de él, procurando entonces que esten en armonía con las que, sobre el mismo objeto, hubiere dictado la Gran Bretaña.

Artículo IV. La República de Venezuela y la Gran Bretaña se comprometen á detallar, por una Convencion Adicional que deberá celebrarse por ambas Partes Con-

tratantes, los actos que constituyan la pirateria comprendiendo el Tráfico de Esclavos; debiendo, despues de celebrada dicha Convencion, dictar la Potestad Legislativa de ambos paises, lo mas pronto posible, leyes que castiguen dichos actos respecto de los subditos ó ciudadanos de cada uno.

Artículo V. Con el objeto de impedir eficazmente cualquiera infraccion de este Tratado, ambas Partes Contratantes convienen en que los buques de guerra de las respectivas naciones, que esten provistos de las especiales Instrucciones que adelante se expresarán, puedan visitar los buques mercantes de ambas naciones que infundan justas sospechas de que se ocupan en el Tráfico de Esclavos, con tal de que esto se haga solamente en los lugares que se van á expresar, á saber:—

1°. A lo largo de la costa occidental de Africa, desde el Cabo Verde hasta los 10 grados de latitud sur; es decir, del 10° grado de latitud meridional al 15° de latitud septentrional, y hasta los 40 grados de longitud oriental, contados desde el meridiano de Caracas.

2°. Al rededor de la Isla de Madagascar, en una zona de veinte leguas de anchura.

3°. A la misma distancia de las costas de la Isla de Cuba.

4°. A la misma distancia de las costas de la Isla de Puerto Rico; y

5°. A la misma distancia de las costas del Brasil.

No obstante, si un buque sospechado, y perseguido dentro de los limites asignados, lograre salir de ellos, podrá ser visitado, con tal que no se haya perdido de vista durante la persecucion.

Artículo VI. Los cruceros podrán detener los buques que trafiquen con Esclavos, bien sea que hayan sido armados con este objeto, ó bien que durante el viaje en que se encuentren se hayan empleado en el mencionado tráfico, contraviniendo á lo estipulado en este Tratado; y enviarlos ó conducirlos, para que puedan ser sometidos á juicio ante los tribunales que conoscan de la pirateria, con arreglo á las leyes de los respectivos paises. No se entenderá por esto que Venezuela queda obligada á armar cruceros expresamente para perseguir el Tráfico de Esclavos.

Artículo VII. Con el fin de arreglar el modo de llevar á efecto lo convenido en los dos Artículos anteriores, las Partes Contratantes han estipulado:—

1°. Que todos los buques de guerra de ambas naciones que de hoy en adelante se emplearen en evitar el Tráfico de Esclavos, deberán estar provistos por sus respectivos Gobiernos de una copia del presente Tratado en los idiomas Español é Ingles; y de otra de las Instrucciones de Cruceros anexas á él, las que deberán considerarse como parte integrante del mismo Tratado.

2°. Que la Gran Bretaña comunicará de cuando en cuando á Venezuela, los nombres de los buques provistos de tales instrucciones, la fuerza de cado uno, y el nombre de sus respectivos comandantes; y que lo mismo hará Venezuela para con la Gran Bretaña, si alguna vez estableciere cruceros con aquel objeto.

3°. Que si alguna ocasion hubiere justos motivos para sospechar que algun buque mercante con la bandera, y bajo el convoy de buque ó buques de guerra de alguna de las Partes Contratantes, se ocupa, ó pretende ocuparse, en el Tráfico de Esclavos, ó que se halla armado con este intento, ó que, durante el viaje en que se ha encontrado, ha estado empleado en el comercio de Esclavos,—será permitido al comandante de cualquier buque de guerra de una de las Partes Contratantes visitar el dicho buque mercante, siempre que se encuentre dentro de los limites señalados en el Artículo V de este Tratado; y tal comandante deberá ejecutarlo asi, poniendose de acuerdo con él del convoy, el cual facilitará esta visita, y la detencion del buque mercante si llegare á efectuarse, propendiendo en todos casos, y con todo su poder, á la debida ejecucion de este Tratado.

4°. Que los comandantes de los buques de ambas naciones que sean empleados en este servicio, se sujetarán estrictamente al texto de las antedichas Instrucciones anexas á este Tratado.

Artículo VIII. Las dos Partes Contratantes se comprometen á indemnizar todos los daños que puedan sufrir sus respectivos ciudadanos ó subditos por la arbitraria é ilegal detencion de sus buques; bien entendido que este resarcimiento lo sufrirá invariablemente el Gobierno cuyo crucero haya sido culpable de tal detencion arbitraria;

conviniendo tambien en que la visita y detencion de buques especificadas en los Artículos V y VI de este Tratado, solo podrán ser ejecutadas por los buques de guerra Venezolanos ó Britanicos, y cuando se encuentren provistos de las especiales Instrucciones anexas al presente Tratado para su completa ejecucion.

Artículo IX. En el caso de que algun comandante de buque de guerra de Venezuela ó de la Gran Bretaña, debidamente autorizado segun lo convenido en los Artículos V y VI de este Tratado, se desvie de las estipulaciones contenidas en él, ó de las Instrucciones anexas, el Gobierno que por esto se creyere ofendido, tendrá derecho á exijir reparacion; y en este caso, el Gobierno á que dicho comandante pertenezca, queda obligado á hacer las debidas averiguaciones sobre el motivo de la queja, y á imponer á dicho oficial un castigo proporcionado á la ofensa.

Artículo X. Se conviene ademas en que todo buque mercante, Venezolano ó Britanico, que sea visitado en virtud de lo expresado en los Artículos V y VI del presente Tratado, pueda ser legalmente detenido, y remitido ó conducido á la presencia del tribunal correspondiente, segun la nacion á que pertenezca, si en su aparejo se encontraren cualesquiera de los objetos siguientes:

1°. Cuarteles ó escotillas abiertas con enrejado, en lugar de las escotillas cerradas que se usan en los buques mercantes.

2°. Separaciones ó divisiones en la bodega ó sobre cubierta, en numero mayor del necesario para los buques que se emplean en licito comercio.

3°. Tablones de repuesto, ó posticos, preparados para formar una segunda cubierta, ó entrepuente para Esclavos.

4o Cadenas, grillos, y esposas.

5° Una cantidad de agua en vasijas ó cubas, mayor que la necesaria para el consumo de la tripulacion del buque registrado, en su calidad be buque mercante.

6° Un numero extraordinario de toneles para aguada, ó de cualesquiera otros vasos propios para contener liquidos, á menos que el maestre produzca una certificacion de la Aduana que le despachó, en la que se exprese que los dueños del buque han otorgado la fianza suficiente para que la mencionada superabundante cantidad de toneles se emplee

solamente en envasar aceite de palma, ó en cualquier otro objeto de licito comercio.

7°. Una cantidad de calderas ó vasijas para el rancho, mayor de la que se requiere para el uso de la tripulacion del buque registrado, en su calidad de buque mercante.

8°. Un caldero de un tamaño extraordinario, y de magnitud mayor que la que se requiere para el uso de la tripulacion del buque registrado, en su calidad de buque mercante; ó mas de un caldero de tamaño ordinario.

9°. Una cantidad extraordinaria de arroz, de harina del Brasil, manioque, ó casave, comunmente llamado harina, de maiz, que exceda lo que probablemente pueda ser consumido por la tripulacion; siempre que el arroz, harina, ó maiz, no aparezcan designados en el manifiesto como parte del cargamento para negociar.

Alguna ó algunas de estas circunstancias, que se prueben, se considerarán como indicios *primâ facie* de que el buque se ocupa en el Comercio de Negros, y servirá para condenarle y declararle buena presa, si no se probare satisfactoriamente por parte del maestre ó de los propietarios, que el buque se ocupaba, al tiempo de su detencion, en licitas operaciones.

Artículo XI. Si en algun buque mercante llegaren á encontrarse alguno ó algunos de los objetos especificados en el Artículo anterior, el dueño ó maestre, ó cualquiera otra persona interesada en su equipo ó carga, no tendrá derecho á reclamar daños y perjuicios, aunque el tribunal que le juzgue no lo haya condenado: á menos que se pruebe plenamente que los objetos que ocasionaron la detencion no estaban á bordo para servir al Tráfico de Esclavos: pues en este caso, el apresador, y por su falta, el Gobierno á que pertenezca, será responsable al maestre ó dueño del buque detenido, por tales daños y perjuicios.

Artículo XII. Se conviene entre ambas Partes Contratantes, que en todos los casos en que un buque sea detenido á virtud de este Tratado, por sus respectivos cruceros, por haberse empleado en el Tráfico de Esclavos, ó por estar armado al intento, y sea en consecuencia juzgado y condenado; el tal buque, inmediatamente despues de su condenacion, será completamente reducido á pedazos, y vendido por partes asi separadas.

Artículo XIII. Se ha convenido, que forme parte integrante de este Tratado el instrumento anexo en calidad de apendice, bajo el titulo de,

" Instrucciones para los buques de guerra Venezolanos y Britanicos, que tuvieren á bien destinar los respectivos Gobiernos á impedir el Tráfico de Esclavos."

Artículo XIV. El presente Tratado, que contiene catorce Artículos, será ratificado, y las ratificaciones canjeadas en Caracas, en el termino de doce meses, ò antes si fuere posible.

En testimonio de lo cual, los respectivos Plenipotenciarios han firmado en duplicado, originales en Español y en Ingles, el presente Tratado, y han estampado sus respectivos sellos.

Hecho en Caracas, á quince de Marzo, del año de nuestro Señor de mil ochocientos treinta y nueve.

ROBT. KER PORTER. JOSE SANTIAGO RODRIGUEZ.

APENDICE *al Tratado entre la República de Venezuela y la Gran Bretaña para la abolicion del Tráfico de Esclavos.*

Instrucciones para los buques de guerra Venezolanos y Britanicos, que tuvieren á bien destinar los respectivos Gobiernos á impedir el Tráfico de Esclavos.

ARTICULO I. El comandante de cualquier buque de guerra de Venezuela, ó de Su Majestad Britanica, que se encuentre provisto de estas Instrucciones, tendrá el derecho de visitar, rejistrar, y detener, cualquier buque mercante, Venezolano ó Britanico, que infunda sospechas de que se emplea, ó se ha empleado, en el Tráfico de Esclavos, ó que esta aparejado para ello, ó que durante el viage en que haya sido encontrado por el buque de guerra Venezolano ó Britanico, haya estado empleado en el dicho Tráfico, siempre que la visita, el rejistro, y la detencion, de que aqui se hace referencia, tengan lugar dentro de los limites señalados en el Artículo V del Tratado firmado hoy, y del cual forman parte las presentes Instrucciones. Y el tal comandante conducirá ó remitirá sin tardanza dicho buque,

con su maestre, tripulacion, cargamento y Esclavos hallados á bordo, á uno de los puertos que adelante se mencionarán, para que proceda al juicio correspondiente, conforme á las leyes de la nacion bajo cuyo pabellon navegue el buque; debiendo el dicho comandante entregarlo, junto con sus papeles, á las autoridades competentes, ó á las personas que especialmente sean señaladas al intento por los respectivos Gobiernos.

Artículo II. Cuando un buque de guerra de cualquiera de las dos Naciones Contratantes, debidamente autorizado como se ha dicho, encontrare un barco que debe ser visitado segun las disposiciones de este Tratado, el rejistro se hará con la mayor moderacion, y con todas las atenciones que deben guardarse entre naciones amigas y aliadas; y en todos casos deberá efectuarse por un oficial de grado no inferior al de teniente en las marinas Venezolana y Britanica respectivamente, ó por el oficial que, en aquel momento, haga de segundo comandante en el buque que practica el rejistro.

Artículo III. El comandante de cualquier buque de ambas naciones, debidamente autorizado como se ha dicho, que detenga un buque mercante, segun lo dispuesto en estas Instrucciones, dejará á bordo del buque detenido, el maestre, el piloto ó contramaestre, y su tripulacion, todo el cargamento, y la totalidad de los Esclavos, si los hubiere, excepto en los casos que se expresarán respecto de Esclavos encontrados á bordo de buques Venezolanos.

El apresador, al tiempo de la detencion, deberá asentar por escrito, una declaracion autentica sober el estado en que haya encontrado el buque detenido, cuya declaracion firmará, y entregará ó remitirá, junto con el buque apresado, á las autoridades ante las cuales deba ser llevado para la formacion del juicio.

Tambien deberá entregar al maestre del buque detenido una certificacion firmada de los papeles aprehendidos en él, lo mismo que del numero de los Esclavos hallados á bordo al tiempo de la detencion.

En la declaracion autentica que el apresador queda por el presente obligado á hacer, lo mismo que en la certificacion de los papeles aprehendidos, deberá insertarse su propio nombre, el del buque apresador, la latitud y longitud del lugar en que se haya hecho la detencion, y el numero de Esclavos encontrados á bordo del buque detenido.

El oficial encargado del buque detenido, al tiempo de entregarlo á las autoridades competentes, deberá presentarles un documento firmado y jurado por el mismo, en que expresará las mudanzas que haya habido respecto del buque, tripulacion, cargamento, y Esclavos, si los hubiere, desde el periodo de la detencion hasta el de la entrega de tal buque.

Artículo IV. Los Esclavos no serán desembarcados hasta que el buque que los contenga no haya llegado al lugar en que debe ser juzgado; excepto en los casos que se determinarán respecto de Esclavos encontrados á bordo de buques Venezolanos, y cuando algun motivo urjente, orijinado de la duracion del viaje, de la salud de los Esclavos, ó de otras causas, obligue á desembarcar todos ó una parte de los Negros, antes que el buque pueda llegar al punto en que deba ser juzgado. En este ultimo caso, el comandante del buque apresador puede tomar sobre si la responsabilidad de este desembarco, con tal que la necesidad de hacerlo asi, y las causas que la produjeron, se expresen en una certificacion en forma, y que esta certificacion se halle escrita y asentada á su debido tiempo, en el diario de navegacion del buque detenido.

Artículo V. Todos los buques Britanicos que fueren detenidos por los cruceros Venezolanos en los mares del Brasil, serán llevados y entregados á la autoridad Britanica en la colonia Demerara.

Todos los buques Britanicos que fueren detenidos en los mares de las Indias occidentales por cruceros Venezolanos, serán llevados y entregados á la autoridad Britanica de Puerto Real en Jamaica.

Todos los buques Britanicos que fueren detenidos en los mares de Madagascar por cruceros Venezolanos, serán llevados y entregados á la autoridad Britanica en el Cabo de Buena Esperanza.

Todos los buques Britanicos que fueren detenidos en los mares de Africa por cruceros Venezolanos, serán llevados y entregados á la autoridad Britanica de Bathurst en el Rio Gambia.

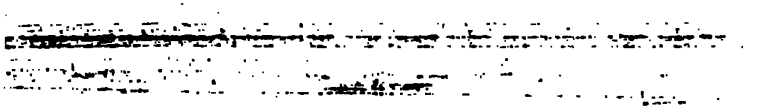
Todos los buques Venezolanos que fueren detenidos en los mares del Brasil, de las Indias Occidentales, de Africa, y de Madagascar, por cruceros Britanicos, serán llevados y

entregados á la autoridad Venezolana en cualquier de los puertos pertenecientes á la Republica de Venezuela, excepto en los casos en que se encuentren Esclavos á bordo al tiempo de la captura; pues entonces el buque, por primera medida, será enviado á depositar los Esclavos en el puerto en que habria sido juzgado si hubiera sido encontrado con la bandera Britanica. El buque, con el resto de su cargamento y tripulacion, será despues remitido y entregado á la autoridad Venezolana en cualquiera de los puertos pertenecientes á la República de Venezuela, segun los estipulado arriba.

Los infrascriptos Plenipotenciarios han convenido, en conformidad con el Artículo XIII del Tratado firmado hoy, dia quince de Marzo de mil ochocientos treinta y nueve, que las presentes Instrucciones, que constan de cinco Artículos, sean anexas al dicho Tratado, y consideradas como parte integrante de el.

Hoy, quince de Marzo, de mil ochocientos treinta y nueve.

ROBT. KER PORTER. JOSE SANTIAGO RODRIGUEZ.



ENGAGEMENTS WITH CHIEFS OF AFRICA.

MADAGASCAR.

Engagement between Great Britain and Madagascar. Signed at Tamatave, October 23, 1817.

ROBERT TOWNSHEND FARQUHAR, Esq., Governor and Commander-in-chief, Captain-General, Vice-Admiral, of the Island of Mauritius and its dependencies, by his Commissioners, Captain Stanfell of the royal navy, commanding His Majesty's ship "Phæton:" and T. R. Pye, Esq., assistant agent for his Excellency's Government at Madagascar, who are vested with full powers;

And Radama, King of Madagascar and its dependencies, by his Commissioners, Ratzalika, Rampoole Ramanou, and Raciahato, representing the said Radama, and with full powers from His Majesty;

Have agreed upon the following Articles and Conditions.

I. It is agreed by the parties to these presents, respectively, that the mutual confidence, friendship, and brotherhood, which are hereby acknowledged to subsist between the Contracting Parties, shall be maintained and perpetuated for ever.

II. It is agreed, and the two Contracting Parties hereby covenant and agree, that from the date of this Treaty, there shall be an entire cessation and extinction through all the dominions of the King Radama, and wherever his influence can extend, of the sale or transfer of Slaves, or other persons whatever, to be removed from off the soil of Madagascar into any country, island, or dominion of any other Prince, Potentate, or Power whatever; and that Radama, King of Madagascar, will make a proclamation and a law, prohibiting all his subjects, or persons depending on him or his dominions, to sell any Slave to be transported from Madagascar, or to aid, or abet or assist, in any such sale, under penalty that any person so offending shall be reduced to Slavery himself.

III. And in consideration of this concession on the part of Radama, the King of Madagascar, and his nation, and in full satisfaction for the same, and for the loss of revenue thereby incurred by Radama, King of Madagascar, the Commissioners on the part of his Excellency the Governor of Mauritius, do engage to pay Radama, yearly, the following articles:—

One thousand dollars in gold
One thousand dollars in silver
One hundred barrels of powder, of 100 lbs. each
One hundred English muskets complete, with accoutrements
Ten thousand flints
Four hundred red jackets
Four hundred shirts
Four hundred pairs of trowsers
Four hundred pairs of shoes
Four hundred soldier's caps
Four hundred stocks
Twelve serjeant's swords, regulation with belts
Four hundred pieces of white cloth, } India
Two hundred pieces of blue cloth, }
A full-dress coat, hat, and boots, all complete for King Radama; and
Two horses

upon a certificate being received that the said laws and regulations and proclamations have been enforced the preceding quarter, which certificate shall be signed by Radama, and countersigned by the agent of his Excellency Governor Farquhar, resident at the Court of Radama.

IV. And further, it is agreed by the Contracting Parties, mutually to protect the faithful friend and ally of England, the King of Johanna, from the predatory attacks to which he has for many years been annually exposed from some of the smaller States of the sea-coast of Madagascar; and to use every means in their power, by their subjects, allies, and dependents, to put a final end to this system of piracy: and for this purpose, proclamations shall be made by Radama and the Governor of Mauritius prohibiting all persons whatever from engaging in this piracy; and these proclamations shall be particularly distributed in the ports and on the sea-coast of Madagascar.

Additional Article.

THE Contracting Parties agree in considering this Treaty as provisional, until ratified and confirmed by His Majesty's Ministers, on the part of the King of Great Britain, which ratification will be forwarded, without loss of time, to the King of Madagascar (Radama), by his Ambassador to that Court.

This formality, however, is not to prevent the stipulations of the Treaty from being carried into full and complete effect from the date hereof.

Done at Tamatave, Island of Madagascar, October 23, 1817.

(Signed)
FRANCIS STANFELL,
Captain of His Majesty's Ship "Phaeton," Senior Naval Officer and Commissioner.

THOS. R. PYE,
Agent of the British Government, and Commissioner.

(Signed)
RATZALIKA,
for Radama.
RAMPOOLE RAMANOU.
RACIAHATO.

RAMALAZA,
as Witness.

Additional Article between Great Britain and Madagascar. Signed at Tananarivoux, October 11, 1820.

BY virtue of the Treaty concluded between His Majesty Radama, King of Madagascar, and his Excellency R. T. Farquhar, Esq., Governor and Commander-in-chief of the Island of Mauritius and dependencies, Captain-General, Vice-Admiral, &c., bearing date the 23rd of October, 1817, the Abolition of the exportation of Slaves shall from this day, for ever be maintained and preserved inviolate; and the Contracting Parties severally bind themselves to fulfil all the articles and conditions contained in the said Treaty, with the most scrupulous care and attention.

In consequence of this Treaty, confirmed and ratified by command of His Britannic Majesty, and accepted this day by His Majesty the King of Madagascar, there has been agreed upon between Mr. James Hastie, Agent of Government on the part of his Excellency Governor Farqu-

har, and King Radama, that the said Mr. Hastie engages, on the part of his Government, to take with him twenty free subjects of His Majesty King Radama, to be instructed in and brought up to different trades, such as mechanics, gold and silver-smiths, weavers, carpenters, blacksmiths; or placed in the arsenals, dockyards, &c., whereof ten shall be sent to England, and ten to the Island of Mauritius, at the expense of the British Government.

It is further agreed upon between the two Parties, that if, on the arrival at Mauritius of the twenty individuals above mentioned, accompanied by Mr. Hastie, the Governor should not consent to the instruction of the said twenty individuals, ten at Mauritius, and ten in England, then shall the Treaty become null, without compromising, however, the word or promise of King Radama.

It is understood by this Article, that the British Government shall place the said twenty individuals with persons practising the various trades before mentioned; but that Government is not responsible for their conduct or their want of capacity.

Mr. James Hastie further engages to take with him eight other individuals, to be instructed in music, for the purpose of being formed into a band for the Regiment of Guards of His Majesty the King of Madagascar.

In consequence of this Article and the conditions before stated, King Radama will make a Proclamation in the which he will notify the said abolition of the exportation of Slaves from within his dominions; and will further invite all persons of talent or otherwise skilled in any trade or profession, to come and visit his country, promising to them his protection; and the said proclamation shall be published in the "Mauritius Gazette."

Given at Tananarivoux, this 11th of October, 1820.

(Signed) JAMES HASTIE, *Agent to the British Government.*

(Signed) RADAMA MANZAKA.

Additional Articles between Great Britain and Madagascar. Signed at Tamatave, May 31, 1823.

WHEREAS by certain Treaties and Engagements, made and established between the British Government and

Radama, King of Madagascar, more particularly those dated the 23rd day of October, 1817, and the 11th day of October, 1820, which said Treaties and Engagements have been approved and confirmed by His Britannic Majesty, the Slave Trade was abolished throughout Madagascar:

And whereas the conditions of the said Treaties have been faithfully observed and kept by the Contracting Parties on both sides, which have produced the happiest and most beneficial effects, in contributing to the accomplishment of the great object of general abolition, and more particularly in improving the people of Madagascar in their moral and religious habits, and in laying the most sure foundation for their rapid advancement to ultimate civilization;

Now, with the view of giving still greater force and efficacy to the objects and conditions of the said Treaties, and of for ever removing the possibility of the revival of a traffic which, for centuries, was the scourge of that vast, fertile, and populous island; it is agreed between Sir Robert Townshend Farquhar, Baronet, and Fairfax Moresby, Esquire, C.B., Captain of His Majesty's ship the "Menai," of the one part, and Rafarlah, Chief of Foule Point, and Jean Réné, Chief of Tamatave, on behalf of King Radama, of the other part:

Article I. That the ships and vessels of His Britannic Majesty, and all other British ships and vessels, legally commissioned or deputed for the prevention of the Slave Trade, shall have, and by these presents they have, full power and authority to seize and detain all ships and other vessels, whether of and belonging to the subjects of Madagascar, or of any other nation or people whatsoever, which shall be found in any harbour, port, roadstead, creek, or river, or on or near the shores and coasts of Madagascar, carrying on the Traffic in Slaves, or aiding or abetting in carrying on such Traffic; and that the said ships, or other vessels, when so seized and detained as aforesaid, shall be treated and dealt with as hereinafter mentioned.

II. That all ships and vessels seized and detained as aforesaid, shall be given up and delivered for adjudication to the Chief or Commandant of Foule Point, Tamatave, or wheresoever else the said Radama shall appoint a

Governor, Commandant, or Special Commissioners, for such purpose; or they, the said ships and vessels, shall and may be otherwise dealt with, as the laws of Great Britain now or hereafter shall authorize and direct; and that when any such ships or vessels shall be so given up and delivered to any such Governor, Commandant, or Special Commissioner as aforesaid, for adjudication, and lawfully convicted of any offence or fraud against this Treaty and Engagement, or any former Treaty and Engagement made for the abolition of the Slave Trade at Madagascar, such ships or vessels shall be confiscated and forfeited, together with their cargoes, guns, tackle, and furniture, for the benefit of King Radama, to be by him applied as he shall judge fitting.

III. That when any such ships or vessels so seized and detained as aforesaid, shall be found to have on board any persons natives of Madagascar, or of Africa, or of any African island, or of any other territory or place whatsoever, who shall have been taken on board and detained, with intent to lead them into Slavery, all such persons shall be dealt with as follows, that is to say: if they shall be natives of Madagascar, they shall be forthwith restored to their own homes and families; and if they shall be natives of any other country, territory, or place, they shall (where it can be conveniently done) be sent and restored to their native countries; or if that shall be found impracticable, or greatly inconvenient, then they shall be enrolled and classed with the corps or body called the "Serundahs," which is a corps or body belonging to the establishment of King Radama, and maintained and provided for by him.

IV. That the Contracting Parties to these presents agree in considering this Additional Treaty as provisional, until ratified and confirmed by His Majesty the King of Great Britain, and Radama, the King of Madagascar.

Done at Tamatave, Madagascar, this 31st day of May, 1823.

(Signed) RAFARLAH.
JN. RENE.

(Signed) R. T. FARQUHAR.
FAIRFAX MORESBY.

NEW CESTOS.

Engagement between Great Britain and New Cestos. Signed at New Cestos, January 11, 1841.

By an Agreement entered into between Henry F. Seagram, Lieutenant and Commander of Her Britannic Majesty's ship "Termagant," on one side, and King Freeman and Prince Freeman of New Cestos and adjacent country, on the other: it is determined that the Slave Trade is now and for ever abolished.

That any Englishman may settle for the purpose of trade. That the persons and property of all traders are to be protected. That should any difference arise between settlers and natives, it is to be determined by arbitration; and on no account is an Englishman or other white to be subject to insult or injury while on shore.

That this Agreement does not give the English, or any other foreign Power, any territorial rights in the town of New Cestos, or the country adjacent subject to the above-named King and Prince.

In faith of which, we have this day set our hands and seals at New Cestos, this 11th day of January, 1841.

(Signed)

H. F. Seagram,
Lieutenant and Commander.

George D. Nobbs,
Clerk in Charge.

his
King ⋈ Freeman.
mark.

his
Prince ⋈ Freeman.
mark.

GAMBIA.

Engagement between Great Britain and the King of Cartabar. Signed at Cartabar, April 23, 1841.

TREATY between Henry Vere Huntly, Lieutenant-Governor of the British Settlements on the Gambia, and Commander in the Royal Navy, on the part of Her Majesty Victoria the First, Queen of Great Britain and Ireland, and the King of Cartabar.

I. No white persons shall be made Slaves in the Cartabar country in any case: and if any white persons are now Slaves in that country, or shall hereafter be brought into it as Slaves, they shall instantly be delivered into the care of the Lieutenant-Governor of Her Majesty's Settlements on the Gambia.

II. No persons, of whatever colour or wherever born, shall be taken out of the Cartabar country as Slaves; and no persons in the Cartabar country shall be in any way concerned in seizing, keeping, or carrying or sending away any persons, for the purpose of their being taken out of the Cartabar country as Slaves; and the King of Cartabar will punish severely all who break this law.

III. The officers of England may seize every vessel or boat of Cartabar found any where carrying on the Trade in Slaves in the waters of Cartabar; and the vessels and boats so seized shall be taken to an English possession, to be tried by English law; and if condemned, shall with appurtenances and cargo, be sold, the produce of the sale being equally divided between the Queen of England and the King of Cartabar. The Slaves found on board shall be set free.

IV. English people may freely come into the country of Cartabar, and may stay in it, or pass through it; and

they shall be treated as friends while in it, and shall receive any supplies there, as may be required. They may freely practise the Christian religion there, and shall not be harmed or troubled on that account, and they may leave the country when they please.

V. English people may always trade freely with the people of Cartabar, in every article which they may wish either to buy or sell: nor shall any one be prevented from buying or selling any article, nor shall any one be forced to buy or sell anything. And the King of Cartabar agrees to allow all English merchants to enter into his territory free of all duty or demand of any kind so long as the English Government permits the same course with respect to the produce of the Cartabar country, when carried to any of the British settlements on the Gambia.

VI. The paths shall be kept open through the country of Cartabar to other countries, so that English traders may carry goods of all kinds through the Cartabar country to sell them elsewhere; and the traders of other countries may bring their goods through the Cartabar country, to trade with the English people. And the King of Cartabar will not make war upon any other country, unless with the consent of the Lieutenant-Governor of the British settlements on the Gambia.

VII. English people may buy, sell, or hire, lands or houses in the Cartabar country, and their houses shall not be entered without their consent: nor shall their goods be seized nor their persons touched; and the King of Cartabar shall punish all who wrongfully treat the English people in his territory.

VIII. English people must not break the laws of the Cartabar country, and when they do, the King shall send a true account of the matter to the nearest place where there is an English force; and the commandant of such force shall send for the accused English person, in order that he may be tried and disposed of according to the laws of his own country.

IX. If the Cartabar people should take away the pro-

perty of an English person, or should not pay their just debts to such English person, the King of Cartabar will do all he can to make the Cartabar people return the property and pay the debt; and the English Lieutenant-Governor engages, on the part of Her Majesty the Queen of Great Britain, to act in a reciprocal manner.

X. The Queen of England may appoint an agent to visit or to reside in the Cartabar country, and this agent is to watch over the fulfilment of this Treaty; he shall always receive honour and protection in the Cartabar country, and the King will pay attention to what he says. The person and property of this agent shall be sacred.

XI. The King of Cartabar shall, within forty-eight hours of the date of this Treaty, make a law for carrying the whole of it into effect, and shall proclaim that law; and the King of Cartabar shall put that law into force from that time for ever.

XII. The Queen of England, out of friendship for the King of Cartabar, and because the King of Cartabar has made this Treaty, gives him the following articles:—

One pound No. 2 amber
Ten gallons of rum
Seventy-five pounds of tobacco
Two and a half barrels of gunpowder
Three fowling-pieces
Three pieces of blue baft
Six iron bars
Two pieces of white baft
Two yards scarlet
Two hundred flints
One ounce of coral
One jug of rum.

And the Chief of Cartabar acknowledges he has received those articles.

And so we, the Lieutenant-Governor of the British settlements on the Gambia, on the part of the Queen of England, and the King of Cartabar, have made this Agreement, and have signed it at Cartabar, this twenty-

third day of April, one thousand eight hundred and forty-one. And this Agreement shall stand for ever.

(Signed)

H. V. HUNTLY,
Lieut.-Governor.

his
NAMA ○ COOMBA,
mark.
King of Cartabar.

Witnesses:

ALEXANDER FINDLAY,
Captain Third West India Regiment, and Commander of Mc Carthy's Island.

his
TAMBA ⋈ NENIMA,
mark.
Alcaide.

THOS. CHOWN,
J. P.

WM. DUNCAN,
Staff Ass. Surgeon.

his
TAMBA ⋈ SABADI,
mark.
King's Son.

Two Additional Articles.

I. THE King of Cartabar, seeing that he is unable of himself to prevent the incursions of neighbouring ill-disposed Chiefs, delighting only in war, and who have heretofore annually ravaged his country, carrying off his people as Slaves, the cattle, and produce, now and for ever places the country of Cartabar under the sole protection of the Sovereign of England; and he begs that Her Majesty Victoria the First, Queen of England, may become, in her own royal person, and for her heirs and successors, the protecting Sovereign of the Cartabar country; and the King of Cartabar freely cedes for ever to the Queen of England, her heirs and successors, one square mile of land in such part of his country as shall be pointed out by the Lieutenant-Governor of the British settlements on the Gambia, or other officer authorized to do so.

II. The King of Cartabar agrees that he will not enter into any alliance, negotiation, or communication of any political nature whatever with any Power in the world,

without the knowledge and consent of the Queen of England. And the King of Cartabar declares the whole of the annexed Treaty, and these two Additional Articles, to be binding equally to himself, as to his heirs and successors for ever.

Done at Cartabar, twenty-third of April, one thousand eight hundred and forty-one.

(Signed)

H. V. HUNTLY,
Lieutenant-Governor.

his
NAMA ○ COOMBA,
mark.
King of Cartabar.

Witnesses:

ALEXANDER FINDLAY.

THOS. CHOWN,
J. P.

his
TAMBA ⋈ NENIMA,
mark.
Alcaide.

his
TAMBA ⋈ SABADI,
mark.
King's Son.

WM. DUNCAN,
Staff Ass. Surgeon.

CAMEROONS.

Engagement between Great Britain and King Bell, of Bell's Town, Cameroons. Signed at Bell's Town, Cameroons River, May 7, 1841.

WILLIAM SIMPSON BLOUNT, Esquire, Lieutenant commanding Her Britannic Majesty's steam-vessel "Pluto," on the part of Her Majesty the Queen of England, and King Bell of Bell's Town, Cameroons,—

Have agreed upon the following Articles and Conditions:—

I. It is agreed, and the two Contracting Parties hereby covenant and agree, that, from the date of this Treaty, there shall be an entire cessation and extinction, through the territory of King Bell, and wherever his influence can extend, of the sale or transfer of Slaves, or other persons whatever, to be removed from off the territory of King Bell into any country, island, or dominion of any other Prince or Potentate whatever; and that King Bell will make a proclamation, and a law prohibiting all his subjects or persons depending on him, to sell any Slave to be transported from his territory, or to aid, or abet, or assist, in any such sale, under penalty of severe punishment.

II. King Bell further agrees, that should any Slave-vessels arrive in the river, he will send and inform any of Her Britannic Majesty's cruizers thereof that may be in the neighbourhood.

III. And in consideration of this concession on the part of King Bell, and in full satisfaction for the same, and for the loss of revenue thereby incurred by King Bell, Lieutenant W. S. Blount, on the part of the Queen of England, does engage, that there shall be paid to King Bell, according to the Treasury letter dated 20th November, 1840, and a Declaration made by Kings Bell and Acqua, on 10th of June, 1840, before Lieutenant R. Levinge, of Her Britannic Majesty's brigantine "Buzzard," and Mr. Lilly,

Resident at Cameroons, yearly, for five years, the following articles:—

Sixty muskets
One hundred pieces of cloth
Two barrels of powder
Two puncheons of rum
One scarlet coat with epaulettes
One sword

upon a certificate being received that the said laws and proclamations have been enforced, which shall be signed by King Bell.

Done at the King's House, Bell's Town, Cameroons River, this 7th day of May, 1841.

KING his ⋈ mark. BELL.

(Signed) Witnesses:

W. S. BLOUNT, *Lieutenant and Commander,*
W. DUFFELL, *Second Master,*
JAS. PETERS, *Assistant Surgeon,*
J. HADDOCK, *Clerk in Charge,*
} *Her Majesty's Steam-Vessel "Pluto."*

A. ASHMALL, *Supercargo of the "Mansfield."*

Declaration made by Lieutenant Earle of Her Majesty's Ship "Rapid," to King Bell of the River Cameroon.

I, LIEUTENANT EDWARD C. EARLE, commanding Her Britannic Majesty's brig "Rapid," on the part of Her Majesty the Queen of England, hereby make known to King Bell, (with reference to the Treaty for the suppression of the Slave Trade, this day ratified), that should it appear at any time hereafter, from the want of the annual certificate (which King Bell declares he will produce), of no Slave Trade having existed in his territories, or from any other circumstances, that Slave Trade has existed, the presents will in such case be discontinued, and King Bell will incur the severe displeasure of Great Britain, by whom the Slave Trade will be put down by force.

Given on board Her Britannic Majesty's brig "Rapid," in the River Cameroons, April 25, 1842.

(Signed) EDWARD C. EARLE,
Lieutenant and Commander.

Engagement between Great Britain and King Acqua, of Acqua Town, Cameroons. Signed at Acqua, Town, Cameroons River, May 7, 1841.

WILLIAM SIMPSON BLOUNT, Esquire, Lieutenant commanding Her Britannic Majesty's steam-vessel "Pluto," on the part of Her Majesty the Queen of England, and King Acqua, of Acqua Town, Cameroons,—

Have agreed upon the following Articles and Conditions:—

I. It is agreed, and the two Contracting Parties hereby covenant and agree, that, from the date of this Treaty, there shall be an entire cessation and extinction through the territory of King Acqua, and wherever his influence can extend, of the sale or transfer of Slaves, or other persons whatever, to be removed from off the territory of King Acqua into any country, island, or dominion of any other Prince or Potentate whatever; and that King Acqua will make a proclamation and a law prohibiting all his subjects, or persons depending on him, to sell any Slave to be transported from his territory, or to aid, or abet, or assist, in any such sale, under penalty of severe punishment.

II. King Acqua further agrees, that should any Slave-vessels arrive in the river, he will send and inform any of Her Britannic Majesty's cruizers thereof that may be in the neighbourhood.

III. And in consideration of this concession on the part of King Acqua, and in full satisfaction for the same, and for the loss of revenue thereby incurred by King Acqua, Lieutenant W. S. Blount, on the part of the Queen of England, does engage, that there shall be paid to King Acqua, (according to the Treasury letter dated 20th of November, 1840, and Declaration made by Kings Acqua and Bell, on the 10th of June, 1840, before Lieutenant R. Levinge, of Her Britannic Majesty's brigantine "Buzzard," and Mr. Lilly, resident at Cameroons,) yearly, for five years, the following articles:—

Sixty muskets
One hundred pieces of cloth
Two barrels of powder

Two puncheons of rum
One scarlet coat with epaulettes
One sword

upon a certificate being received that the said laws and proclamations have been enforced, which shall be signed by King Acqua.

Done at the King's House, Acqua Town, Cameroons River, this 7th day of May, 1841.

his
KING ⋈ ACQUA.
mark.

(Signed) Witnesses:

W. S. BLOUNT, *Lieutenant and Commander,*
W. DUFFELL, *Second Master,*
JAS. PETERS, *Assistant Surgeon,*
J. HADDOCK, *Clerk in Charge,*
} *Her Majesty's Steam-Vessel "Pluto."*

A. ASHMALL, *Supercargo of the "Mansfield."*

Declaration made by Lieutenant Earle of Her Majesty's Ship "Rapid," to King Acqua of the River Cameroon.

I, LIEUTENANT EDWARD EARLE, commanding Her Britannic Majesty's brig "Rapid," on the part of Her Majesty the Queen of England, hereby make known to King Acqua (with reference to the Treaty for the suppression of the Slave Trade, this day ratified), that should it appear at any time hereafter, from the want of the annual certificate (which King Acqua declares he will produce), of no Slave Trade having existed in his territories, or from any other circumstances, that Slave Trade has existed, the presents will in such case be discontinued, and King Acqua will incur the severe displeasure of Great Britain, by whom the Slave Trade will be put down by force.

Given on board Her Britannic Majesty's Brig "Rapid," in the River Cameroons, April 25, 1842.

(Signed) EDWARD C. EARLE,
Lieutenant and Commander.

NIGER.

Engagement between the Queen of Great Britain and Obi Osai, Chief of Aboh, (Eboe or Ibu.)—Signed off Aboh, August 28, 1841.

THERE shall be peace and friendship between the people of Great Britain and the people of Aboh; and the Slave Trade shall be put down for ever in the Aboh country; and the people of Great Britain and the people of Aboh shall trade together innocently, justly, kindly, and usefully; and Captain Henry Dundas Trotter, Commander William Allen, Commander Bird Allen, and William Cook, Esquire, Commissioners on the part of the Queen of Great Britain; and Obi Osai on his own part, and that of his people, as the Chief of the Aboh country, do make the following agreement for these purposes:—

I. The Slave Trade shall be utterly abolished in the Aboh country, and from the signing of this Agreement no person whatever shall be removed out of the country for the purpose of being treated or dealt with as Slaves; nor shall any persons whatever be allowed to be brought through the country, or any part thereof, for the purpose of being treated or dealt with as Slaves, by way of exportation or otherwise, nor shall any persons whatever be imported into the country for the purpose of being dealt with as Slaves; and no subject of the Aboh country shall be in any way concerned in the exporting or importing Slaves, or carrying on the Slave Trade, either within or without the limits of the country. The Chief promises to inflict reasonable punishment on all his subjects who may break this law.

II. The officers of the Queen of Great Britain may seize every vessel or boat of Aboh, found anywhere carrying on the Trade in Slaves, and may also seize every vessel or boat of other nations with whom a similar Agreement has been made, found carrying on the Trade in Slaves in the waters belonging to the Chief of Aboh. Upon such

seizure, and after regular condemnation, according to the provisions of this Agreement, the Slaves shall be made free, and the vessels or boats shall be destroyed.

III. That in all cases of the seizure of vessels and boats with the Slaves on board, under the provisions of this Agreement, the said commissioners, or those of them who may be present, and in their absence the commissioned or commanding officer on board the British vessel making the seizure, or any agent authorized for that purpose, shall, in presence of the Chief, or headman appointed by him, make due examination and inquiry into the case, and shall condemn the said vessel or boat, with the Slaves on board, if satisfied that the provisions of this Agreement have been thus contravened, or otherwise acquit and restore the same.

IV. That from and after the signing of this Agreement, no person whatever, coming into the country, shall be reduced into Slavery, or treated or used as Slaves. All white persons whatever, and all British subjects of whatever colour, at present detained in Slavery, shall be immediately set free.

V. British people may freely come into the Aboh country, and may stay in it or pass through it; and they shall be treated as friends while in it, and they may leave the country with their property, when they please.

VI. Christians of whatever nation or country, peaceably conducting themselves in the dominions of the Chief of Aboh, shall be left in the free enjoyment and exercise of the Christian religion, and shall not be hindered or molested in their endeavours to teach the same to all persons whatever, willing and desirous to be taught; nor shall any subject of Aboh who may embrace the Christian faith, be, on that account, or on account of the teaching or exercise thereof, molested or troubled in any manner whatsoever.

VII. British people may always trade freely with the people of Aboh, in every article which they may wish to buy or sell; and neither the British people, nor the people

of Aboh, shall ever be forced to buy or sell any article, nor shall they be prevented from buying or selling any article with whomsoever they please, and they shall not be compelled to employ an agent; and the customs and dues taken by the Chief of Aboh, on British goods sold in the Aboh country, shall, in no case, be more altogether than one-twentieth part of the goods so imported, or their ascertained value; and there shall be no duty, toll, or custom, levied on goods exported.

VIII. The paths shall be kept open through the Aboh country to other countries, so that British traders may carry goods of all kinds through the Aboh country to sell them elsewhere; and the traders of other countries may bring their goods through the Aboh country to trade with the British people.

IX. British people may buy and sell, or hire lands and houses in the Aboh country; and their houses shall not be entered without their consent, nor shall their goods be seized nor their persons touched; and if British people are wronged or ill-treated by the people of Aboh, the Chief of Aboh shall punish those doing such wrong.

X. But the British people must not break the laws of the Aboh country; and when they are accused of breaking the laws, the Chief may detain the person charged with committing any grievous crime in safe custody, taking care that he be treated with humanity; and shall send a true account of the matter to the nearest place where there is a British force; and the commander of such British force shall send for the British person, who shall be tried according to British law, and shall be punished, if found guilty, and a report of such punishment shall be forwarded to the Chief for his satisfaction.

XI. If the Aboh people should take away the property of a British person, or should not pay their just debts to a British person, the Chief of Aboh shall do all he can to make the Aboh people restore the property and pay the debt; and if a British person shall take away the property of the Aboh people, or shall not pay his just debts to the Aboh people, he shall be subject to the laws of the country

for the recovery of the same; provided always that no injury be done to his person. The Chief of Aboh shall make known the fact to the commander of the British force nearest to the Aboh country, or to the resident Agent, if there is one; and the British Commander or Agent, whichever it may be, shall do all he can to make the British person restore the property and pay the debt.

XII. The Queen of Great Britain may appoint an agent to visit Aboh, or to reside there, in order to watch over the interests of the British people, and to see that this Agreement is fulfilled; and such agent shall always receive honour and protection in the Aboh country: and the Aboh Chief shall pay attention to what the agent says; and the person and property of the agent shall be sacred.

XIII. It is understood that all British vessels or boats are at liberty to navigate the River Niger and its branches and tributaries, without the payment of any duties, tolls, or customs, whatsoever. The Chief of Aboh promises to use his utmost endeavours to facilitate the conveyance of messengers and despatches to or from British people.

XIV. The power of sanctioning or modifying this Treaty is expressly reserved to Her Majesty the Queen of Great Britain.

XV. Any infringement of this Treaty, will subject the Chief of Aboh to the severe displeasure of the Queen of Great Britain, and the loss of the duties herein stipulated for.

XVI. The Chief of Aboh shall, within forty-eight hours of the date of this Agreement, make a law for carrying the whole of it into effect and shall proclaim that law; and the Chief of Aboh shall put that law in force, from that time for ever.

XVII. The Queen of Great Britain, out of friendship for the Chief of Aboh, and because the Chief of Aboh has made this Agreement, gives him the following articles:—

One ornamental velvet cap

One double-barrelled gun, German silver mounted flint-lock
One pair of pistols, German silver mounted, flint-lock
One gilt mounted sabre
Six yards of cotton velvet
One piece of maddapolan
Two pieces of printed Manchester goods
Half piece of caricature handkerchiefs
Five yards of superfine scarlet cloth
Five yards of superfine blue cloth
Thirty-six bead necklaces of sorts
One hundred flints
One case, containing razors, knife, and scissors
Thirty-two small looking-glasses
One large lustring umbrella
One telescope
One serjeant-major's dress, complete
Four red caps
Four red jackets, baize
Four shirts
Four black jacks
One and a-half piece of Romal hankerchiefs
One pewter basin
Four brass bracelets (bangles)
One brass snuff-box
Two dozen gilt buttons
Six large pewter spoons
Six small pewter spoons
Two brass lamps
One padlock
Six pocket knives
One saw
Two pieces of Pondicherry
One piece of Naganapots
Two pieces of brawls
One piece of Madras handkerchiefs
One piece of brown shirting
Two pieces of Bejutepauts
One piece of cotton bandanas
One piece of Nicannee
One piece of Chillo

Six tin horns
One Arabic Bible
One oil press

And the Chief of Aboh hereby acknowledges he has received those articles.

And so we, Captain Henry Dundas Trotter, Commander William Allen, Commander Bird Allen, William Cook, Esquire, and Obi Osai, Chief of Aboh, have made this Agreement, and have signed it on board Her Majesty's steam-vessel "Albert," off Aboh, this twenty-eighth day of August, one thousand eight hundred and forty-one. And this Agreement shall stand for ever.

(Signed)

H. D. TROTTER,
Commissioner.

WILLIAM ALLEN,
Commissioner.

BIRD ALLEN,
Commissioner.

W. COOK,
Commissioner.

his
OBI ⋈ OSAI,
mark
Chief of the Aboh Country.

Witnesses:

J. O. MAC WILLIAM, M.D.,
Surgeon.

JAMES FREDERICK SHÖN,
Missionary.

his
ARIBUNDA, ⋈
mark

his
AJEH, ⋈
mark
King Obi's Brothers.

his
CHIKUMA, ⋈
mark
King Obi's Eldest Son.

(Signed) WILLIAM BOWDEN, *Secretary.*

Additional Article.

THE Chief of Aboh declares that no human beings are sacrificed on account of religious or other ceremonies or customs, in the Aboh country, and hereby stipulates that he will prevent the introduction of such barbarous and inhuman customs and ceremonies into his country.

And so we, Captain Henry Dundas Trotter, Commander William Allen, Commander Bird Allen, William Cook, Esquire, and Obi Osai, Chief of Aboh, have made this Agreement, and have signed it on board Her Majesty's steam-vessel "Albert," off Aboh, this twenty-eighth day of August, one thousand eight hundred and forty-one. And this Agreement shall stand for ever.

(Signed)

H. D. TROTTER,
Commissioner.

WILLIAM ALLEN,
Commissioner.

BIRD ALLEN,
Commissioner.

W. COOK,
Commissioner.

his
OBI ⋈ OSAI,
mark.
Chief of the Aboh Country.

Witnesses:

J. O. Mc WILLIAM, M.D.,
Surgeon.

JAMES FREDERICK SHÖN,
Missionary.

his
ARIBUNDA, ⋈
mark
King Obi's Brothers.

his
AJEH, ⋈
mark
King Obi's Brothers.

his
CHIKUMA, ⋈
mark
King Obi's Eldest Son.

(Signed) WILLIAM BOWDEN, *Secretary.*

Engagement between the Queen of Great Britain and Ochijeh, the Attah of the Egarra Country. Signed at Iddah, September 6, 1841.

THERE shall be peace and friendship between the people of Great Britain and the people of Egarra; and the Slave Trade shall be put down for ever in the Egarra country; and the people of Great Britain and the people of Egarra shall trade together innocently, justly, kindly, and usefully; and Captain Henry Dundas Trotter, Commander William Allen, Commander Bird Allen, and William Cook, Esquire, Commissioners on the part of the Queen of Great Britain; and Ochijeh, the Attah of Egarra, on his own part and that of his people, do make the following Agreement for these purposes:—

I. The Slave Trade shall be utterly abolished in the Egarra country, and from the signing of this Agreement, no persons whatever shall be removed out of the country for the purpose of being treated or dealt with as Slaves; nor shall any persons whatever be allowed to be brought through the country, or any part thereof, for the purpose of being treated or dealt with as Slaves, by way of exportation or otherwise; nor shall any persons whatever be imported into the country for the purpose of being dealt with as Slaves; and no subject of the Egarra country shall be in any way concerned in the exporting or importing Slaves, or carrying on the Slave Trade, either within or without the limits of the country. The Chief promises to inflict reasonable punishment on all his subjects who may break this law.

II. The officers of the Queen of Great Britain may seize every vessel or boat of Egarra found anywhere carrying on the Trade in Slaves, and may also seize every vessel or boat of other nations with whom a similar Agreement has been made, found carrying on the Trade in Slaves in the waters belonging to the Chief of Egarra; upon which seizure, and after regular condemnation, according to the provisions of this Agreement, the Slaves shall be made free, and the vessels or boats shall be destroyed.

III. That in all cases of the seizure of vessels and boats, with Slaves on board, under the provisions of this Agreement, the said Commissioners, or those of them who may be present, and in their absence, the commissioned or commanding officer on board the British vessel making the seizure, or any agent authorized for that purpose, shall in presence of the Chief or headman appointed by him, make due examination and inquiry into the case, and shall condemn the said vessel or boat with the Slaves on board, if satisfied that the provisions of this Agreement have been contravened, or otherwise acquit and restore the same.

IV. That from and after the signing of this Agreement, no persons whatever, coming into the country, shall be reduced into Slavery, or treated or used as Slaves. All white persons whatever, and all British subjects, of whatever colour, at present detained in Slavery, shall be immediately set free.

V. British people may freely come into the Egarra country, and may stay in it, or pass through it; and they shall be treated as friends while in it, and they may leave the country with their property when they please.

VI. Christians, of whatever nation or country, peaceably conducting themselves in the dominions of the Chief of Egarra, shall be left in the free enjoyment and exercise of the Christian religion, and shall not be hindered or molested in their endeavours to teach the same to all persons whatever, willing and desirous to be taught; nor shall any subject of Egarra who may embrace the Christian faith, be, on that account, or on account of the teaching or exercise thereof, molested or troubled in any manner whatsoever.

VII. British people may always trade freely with the people of Egarra, in every article which they may wish to buy or sell; and neither the British people nor the people of Egarra shall ever be forced to buy or sell any article, nor shall they be prevented from buying or selling any article with whomsoever they please, and they shall not be compelled to employ an agent; and the customs and dues taken by the Chief of Egarra on British goods sold in the Egarra country, shall, in no case, be more altogether than

one-twentieth part of the goods so imported, or their ascertained value; and there shall be no duty, toll, or custom, levied on goods exported.

VIII. The paths shall be kept open through the Egarra country to other countries, so that British traders may carry goods of all kinds through the Egarra country, to sell them elsewhere; and the traders of other countries may bring their goods through the Egarra country to trade with the British people.

IX. British people may buy, and sell, or hire lands and houses in the Egarra country; and their houses shall not be entered without their consent, nor shall their goods be seized, nor their persons touched; and if British people are wronged or ill-treated by the people of Egarra, the Chief of Egarra shall punish those doing such wrong.

X. But British people must not break the laws of the Egarra country; and when they are accused of breaking the laws, the Chief may detain the person charged with committing any grievous crime in safe custody, taking care that he be treated with humanity, and shall send a true account of the matter to the nearest place where there is a British force or authorized agent; and the commander of such British force, or authorized agent, shall send for the British person, who shall be tried according to British law, and shall be punished, if found guilty; and a report of such punishment shall be forwarded to the Chief for his satisfaction.

XI. If the Egarra people should take away the property of a British person, or should not pay their just debts to a British person, the Chief of Egarra shall do all he can to make the Egarra people restore the property and pay the debt; and if a British person should take away the property of the Egarra people, or shall not pay his just debts to the Egarra people, he shall be subject to the laws of the country for the recovery of the same; provided always that no injury be done to his person. The Chief of Egarra shall make known the fact to the commander of the British force nearest to the Egarra country, or to the resident agent, if there is one; and the British commander or agent, whichever it may be, shall do all he can to make the British person restore the property and pay the debt.

XII. The Queen of Great Britain may appoint an agent to visit Egarra, or to reside there, in order to watch over the interests of the British people, and to see that this Agreement is fulfilled; and such agent shall always receive honour and protection in the Egarra country; and the Egarra Chief shall pay attention to what the agent says; and the person and property of the agent shall be sacred.

XIII. It is understood that all British vessels or boats are at liberty to navigate the River Niger, and its branches and tributaries, without the payment of any duties, tolls, or customs, whatsoever. The Chief of Egarra promises to use his utmost endeavours to facilitate the conveyance of messengers and despatches to or from British people.

XIV. The power of sanctioning or modifying this Treaty is expressly reserved to Her Majesty the Queen of Great Britain.

XV. Any infringement of this Treaty will subject the Chief of Egarra to the severe displeasure of the Queen of Great Britain, and the loss of the duties herein stipulated for.

XVI. The Chief of Egarra shall, within forty-eight hours of the date of this Agreement, make a law for carrying the whole of it into effect, and shall proclaim that law, and the Chief of Egarra shall put that law in force from that time for ever.

XVII. The Queen of Great Britain, out of friendship for the Chief of Egarra, and because the Chief of Egarra has made this Agreement, gives him the following presents:—

One double-barrelled gun
One pair of ornamental pistols
One gilt sabre
One case, containing scissors, knife, and razors
Twelve hatchets
Two hand-saws
Twelve hoes
One silk velvet tobe
One printed muslin tobe
One velvet cap
One pair of silk trousers
One silk waistcoat

Ten yards of crimson silk
Ten yards of merino
Five yards of scarlet cloth
Five yards of blue cloth
Two pieces of printed cotton
Four strings beads
Two cut garnet necklaces
Two pair of bracelets
Two bangles
One piece of shirting
One piece of maddapolan
One piece of baft
One pair of boots
One pair of slippers
One large looking-glass
Twelve small looking-glasses
One elephant gun
One drum
One tambourine
One large silk umbrella
One piece of Turkey red twill
Two pieces of handkerchiefs
One telescope
Twelve padlocks
Two lamps
Twelve snuff boxes
Twelve coronation medals
Twelve nuptial medals
One piece of muslin, gold and mull
Five ounces of real coral
One quire writing-paper
Twelve spectacles
Two pair of ear-rings
One oil press

And the Chief of Egarra hereby acknowledges he has received those articles.

And so we, Captain Henry Dundas Trotter, Commander William Allen, Commander Bird Allen, and William Cook, Esquire, on behalf of the Queen of Great Britain, and Ochijeh, the Attah of Egarra, have made this

Agreement, and have signed it in triplicate, at Iddah, in the presence of Almighty God, this sixth day of September, in the year of Our Lord Jesus Christ one thousand eight hundred and forty-one. And this Agreement shall stand for ever.

(Signed) H. D. TROTTER, *First Commissioner.*
WILLIAM ALLEN, *Second Commissioner.*
BIRD ALLEN, *Third Commissioner.*
W. COOK, *Fourth Commissioner.*

Signed in the presence and with the authority of Ochijeh, Attah of Egarra, by the Judge of Iddah, it being contrary to custom for the Attah to sign any document.

his
LABO, ⋈ *Chief Judge of Iddah.*
mark

Witnesses:

(Signed)

HENRY COOK MARSTON,
Lieutenant, Her Majesty's Steamer "Wilberforce."

WM. STANGER, M.D.,
Geologist.

JOHN FREDERICK SHÖN,
Missionary.

his
HAKAH, ⋈
mark
Second Judge.

his
GIBBEREEN, ⋈
mark
Malam.

(Signed) WILLIAM BOWDEN, *Secretary.*

Additional Articles to the Engagement between the Queen of Great Britain and Ireland, and Ochijeh, the Attah of Egarra, signed the 6th of September, 1841.

I. THAT, from the signing of this Agreement, no human being whatever shall be sacrificed on account of religious or other ceremonies or customs in the Egarra country.

II. The Chief of Egarra sells, and from this time forward makes over to the Queen of Great Britain and Ireland, entirely and for ever, all such land and everything

in and upon it, as Her Majesty's commissioners may select, it being understood that the land shall consist of, at least, two portions, one of which shall be situated near, or in the neighbourhood of, the confluence of the Rivers Niger and Tchadda, and the other on an island between Iddah and such place aforesaid, the boundaries thereof to be marked out by the agents sent by the Chief of Egarra for that purpose, who shall be fully authorized by the Chief of Egarra to make over and deliver the said land to Her Majesty's Commissioners, in the same manner as if the Chief of Egarra were himself present. And the British people may erect forts wherever they please, upon the same; the said land to be held by the Queen of Great Britain and Ireland, free of all claims to future tribute, toll, or taxation, of any kind whatever, in consideration of which, seven hundred thousand cowries, or goods to that amount, will be given to the Chief of Egarra, one-fifth part of which shall be paid to the agent as security for the purchase, as soon as the said land shall be delivered over to the said Commissioners. And the Queen of Great Britain shall, after her people have had possession of the said land twelve months, in case they wish to keep the same, pay to the Attah of Egarra the remainder of the price above stated, either at once or in annual instalments, not exceeding five, as most convenient to the Queen; and when the land, according to this Agreement, has been delivered over to the British people, the same shall remain the property of the Queen of Great Britain, to all intents and purposes, for ever.

III. It is also agreed, and hereby declared, that the Queen of Great Britain, her heirs or successors, have the power of assuming sovereignty over the land to be purchased according to the last Article; and it is hereby stipulated, that such sovereignty shall commence on the part of Great Britain, from the day on which the Queen, her heirs or successors, may determine to accept it, provided that it shall be so accepted within five years from the date hereof.

The present Additional Articles shall have the same force and effect, as if they were inserted word for word in

the Treaty signed at Iddah, this sixth day of September, one thousand eight hundred and forty-one.

Done at Iddah, this sixth day of September, 1841.

(Signed) H. D. TROTTER, *First Commissioner.*
WILLIAM ALLEN, *Second Commissioner.*
BIRD ALLEN, *Third Commissioner.*
W. COOK, *Fourth Commissioner.*

Signed in the presence and with the authority of Ochijeh, Attah of Egarra, by the Judge of Iddah, it being contrary to custom for the Attah to sign any document.

his mark
LABO, ⋈ *Chief Judge of Iddah.*

Witnesses:

(Signed)

HENRY COOK MARSTON, *Lieutenant, Her Majesty's Steamer "Wilberforce."*

WM. STANGER, M.D., *Geologist.*

JAMES FREDERICK SHÖN, *Missionary.*

his mark
HAKAH, ⋈ *Second Judge.*

his mark
GIBBEREEN, ⋈ *Malam.*

(Signed) WILLIAM BOWDEN, *Secretary.*

OLD CALEBAR.

Engagement between Great Britain and Eyo, King of Creek Town, Calebar. Signed at Creek Town, Old Calebar River, December 6, 1841.

WILLIAM SIMPSON BLOUNT, Esq., Lieutenant, commanding Her Britannic Majesty's Steam-Vessel "Pluto," on the part of Her Majesty the Queen of England, and Eyo, King of Creek Town, Calebar River, on the part of himself, his heirs, and successors,—

Have agreed upon the following Articles and conditions:

I. It is agreed, and the two Contracting Parties hereby covenant and agree, that from the date of this Treaty there shall be an entire cessation and extinction for ever throughout the territory of King Eyo, and wherever his influence can extend, of the sale or export of Slaves or other persons whatever, to be removed from off his territory into any foreign island, country, or dominion, and that King Eyo will make a proclamation and a law prohibiting all his subjects, or persons within his jurisdiction, to sell any Slave or Slaves, to be transported from his territory, or to aid, abet, or assist in any way, such sale, under penalty of severe punishment, and stopping the whole trade of the river.

II. King Eyo further agrees that should any slave vessels be in the river, he will inform any of Her Britannic Majesty's vessels that may be in the neighbourhood.

III. And in consideration of this concession on the part of King Eyo, and in full satisfaction for the same, and for the loss of revenue thereby incurred by King Eyo, Lieutenant Blount, on the part of the Queen of England, does engage that there shall be paid to King Eyo, yearly, for five years, from the ratification and approval of this Treaty, the following, viz.,—

Two Thousand Dollars (Spanish),

upon a certificate being received, that the said laws and proclamations have been enforced, which shall be signed by King Eyo and the masters of any British merchant-vessels there may be in the river at the time.

Done at the King's House, Creek Town, Old Calebar River, the 6th day of December, 1841.

(Signed) KING EYO.
W. S. BLOUNT,
Lieutenant Commanding.

(Signed) Witnesses:
JOHN LILLEY,
Resident at Cameroons.
J. MC PHERSON,
Brig "Mary Ann Peters."
R. M. PORTER,
Barque "Captain Ross."

(Signed) Witnesses:
J. M. KENTY,
Brig "Satisfaction."
W. B. DISHLEY,
Schip "Triton."
J. MADDOCK,
Clerk in Charge Her Majesty's Steam-Vessel "Pluto."

Additional Articles to Engagement concluded on the 6th day of December, 1841, between Commander W. S. Blount, of Her Majesty's Steam-Vessel "Pluto," and King Eyo, of Creek Town, Calebar River.

THE following Articles are this day added to the foregoing Treaty, and agreed upon between George Raymond, Esq., Lieutenant commanding Her Britannic Majesty's Brigantine "Spy," on the part of Her Majesty the Queen of England, and Eyo, King of Creek Town, Calebar River, on the part of himself, his heirs and successors.

IV. That that part of the foregoing Article, No. 3, stipulating the payment of "two thousand dollars (Spanish)" shall be cancelled, and in lieu thereof the following terms be substituted: viz., "Goods to the amount of two thousand dollars (Spanish);" and that the remainder of the said Article, together with the two preceding it, shall continue the same to all intents and purposes.

V. That if at any time it shall appear that Slave Trade has been carried on through or from any of the dominions of the said Eyo, King of Creek Town, Calebar River, his heirs or successors, that Great Britain shall be at liberty to put down the Slave Trade of that country by force.

Done on board Her Majesty's Brig "Spy," River Town, Calebar, 30th November, 1842.

(Signed) KING EYO HONESTY.
GEORGE RAYMOND,
Lieutenant and Commander of Her Majesty's Brig "Spy."

Witnesses:

(Signed) W. S. BLYTH,
Supercargo "Majestic" of Liverpool.

MR. YOUNG,
King Eyamba Brother.

W. W. WALTERS,
Master of the ship "Majestic," of Liverpool.

FRANCIS W. COLE,
Clerk in Charge Her Majesty's Brig "Spy."

Engagement between Great Britain and Eyamba, King of Calebar. Signed at Calebar Town, Old Calebar River, December 6, 1841.

WILLIAM SIMPSON BLOUNT, Esq., Lieutenant commanding Her Britannic Majesty's steam-vessel "Pluto," on the part of Her Majesty the Queen of England, and Eyamba, King of Calebar, on the part of himself, his heirs, and successors,—

Have agreed upon the following Articles and Conditions:—

I. It is agreed, and the two Contracting Parties hereby covenant and agree, that from the date of this Treaty there shall be an entire cessation and extinction for ever, throughout the territory of King Eyamba, and wherever his influence can extend, of the sale or export of Slaves, or other persons whatever, to be removed from off his territory into any foreign island, country, or dominion; and that King Eyamba will make a proclamation and a law prohibiting all his subjects, or persons within his jurisdiction, to sell any Slave or Slaves to be transported from his territory, or to aid, abet, or assist in any way, such sale, under penalty of severe punishment, and stopping the whole trade of the river.

II. King Eyamba further agrees, that should any slave-vessel be in the river, he will inform any of Her Britannic Majesty's vessels that may be in the neighbourhood.

III. And in consideration of this concession on the part of King Eyamba, and in full satisfaction for the same, and for the loss of revenue thereby incurred by King Eyamba, Lieutenant Blount, on the part of the Queen of England, does engage that there shall be paid to King Eyamba, yearly, for five years, from the ratification and approval of this Treaty, the following, viz.,—

Two thousand dollars (Spanish),

upon a certificate being received that the said laws and proclamations have been enforced, which shall be signed by King Eyamba and the masters of any British merchant-vessels there may be in the river at the time.

Done at the King's House, Calebar Town, Old Calebar River, this 6th day of December, 1841.

(Signed) KING EYAMBA.
W. S. BLOUNT,
Lieutenant commanding.

Witnesses:

(Signed)
JOHN LILLEY,
Resident at Cameroons.
J. MC PHERSON,
Master, Brig "Mary Ann Peters."
R. M. PORTER,
Barque "Captain Ross."

(Signed)
J. M. KENTY,
Brig "Satisfaction."
W. B. DISHLEY,
Schip "Triton."
J. HADDOCK,
Clerk in charge, Her Majesty's Steam-Vessel "Pluto."

Additional Articles to Engagement between Great Britain and Eyamba, King of Calebar.

THE following Articles are this day added to the foregoing Treaty, and agreed upon between George Raymond, Esq., Lieutenant commanding Her Britannic Majesty's Brigantine "Spy," on the part of Her Majesty the Queen of England, and Eyamba, King of Calebar, on the part of himself, his heirs and successors.

IV. That that part of the foregoing Article, No. 3, stipulating the payment of "two thousand dollars (Spanish)" shall be cancelled, and in lieu thereof the following terms be substituted: viz., "Goods to the amount of two thousand dollars (Spanish);" and that the remainder of the said Article, together with the two preceding it, shall continue the same to all intents and purposes.

V. That if at any future time it shall appear that Slave Trade has been carried on through or from any of the dominions of the said Eyamba, King of Calebar, his heirs or successors, that Great Britain shall be at liberty to put down the Slave Trade of that country by force.

Done on board Her Majesty's Brig "Spy," River Town, Calebar, 30th November, 1842.

(Signed) KING EYAMBA V.,
King of all Blackman.
GEORGE RAYMOND,
Lieutenant and Commander of Her Majesty's Brig "Spy."

Witnesses:

(Signed) W. S. BLYTH,
Supercargo, "Majestic," of Liverpool.

MR. YOUNG,
King Eyamba Brother.

(Signed) W. W. WALTERS,
Master of the ship "Majestic," of Liverpool.

FRANCIS W. COLE,
Clerk in Charge of Her Majesty's Brig "Spy."

INDEX.

Argentine Confederation	Treaty with. Buenos Ayres, May 24, 1839	1
	Additional Articles. Buenos Ayres, May 24, 1839....	20
	Annex A to Treaty; Instructions to Cruizers	8
	Annex B to Treaty; Regulations for Mixed Courts	10
	Annex C to Treaty; Regulations for liberated Negroes	18
Austria, Prussia, and Russia	Treaty with. London, December 20, 1841	43
	Annex A to Treaty; Forms of Warrants and Orders	53
	Annex B to Treaty; Instructions to Cruizers	56
Bolivia	Treaty with. Sucre, September 25, 1840	80
	Additional Articles to Treaty with. Sucre, September 25, 1840	100
	Annex A to Treaty; Instructions to Cruizers	87
	Annex B to Treaty; Regulations for Mixed Courts....	90
	Annex C to Treaty; Regulations for liberated Negroes	98
Brazil	Convention with. Rio de Janeiro, November 23, 1826	122
	Treaty with Portugal. Vienna, January 22, 1815,	124
	Additional Article to ditto. Vienna, January 22, 1815	127
	Additional Convention to Treaty with Portugal. London, July 28, 1817, ...	128
	Convention of July 28, 1817, with Portugal; Annex No. 1; Form of Passport	134
	Convention of July 28, 1817, with Portugal; Annex No. 2; Instructions to Cruizers	136
	Convention of July 28, 1817, with Portugal; Annex No. 3; Regulations for Mixed Courts....	140
	Separate Article of Convention with Portugal of July 28, 1817. September 11, 1817	147
	Additional Articles to Convention with Portugal of July 28, 1817. Lisbon, March 15, 1823	149
Calebar	Engagement with King Eyo. Creek Town, Dec. 6, 1841	624
	Additional Articles, November 30, 1842	625
	Engagement with King Eyamba. Calebar Town, December 6, 1841....	626
	Additional Articles, November 30, 1842	627
Cameroons	Engagement with King Bell. Bell's Town, May 7, 1841	605
	Declaration, signed April 25, 1842	606
	Engagement with King Acqua. Acqua, May 7, 1841	607
	Declaration signed April 25, 1842	608
Chile	Treaty with. Santiago, January 19, 1839....	151
	Additional Articles to Treaty with. Santiago, Jan. 19, 1839....	171
	Annex A to Treaty; Instructions to Cruizers	158
	Annex B to Treaty; Regulations for Mixed Courts....	161
	Annex C to Treaty; Regulations for Liberated Negroes	169
	Additional and Explanatory Convention to Treaty with. Santiago, August 7, 1841	193

DENMARK	Treaty with. Copenhagen, July 26, 1834....	19
FRANCE	Convention with. Paris, November 30, 1831	204
	Supplementary Convention with. Paris, Mar. 22, 1833	209
	Instructions to Cruizers annexed to ditto	215
GAMBIA	Engagement with. Cartabar, April 23, 1841	600
	Additional Articles. Cartabar, April 23, 1841	603
HANSE TOWNS	Convention with. Hamburgh, June 9, 1837	227
HAYTI	Convention with. Port au Prince, Dec. 23, 1839	234
MADAGASCAR	Engagement with. Tamative, October 23, 1817	593
	Additional Article with. Tamative, October 23, 1817	595
	Additional Article with. Tananarivoux, Oct. 11, 1820	595
	Additional Articles with. Tamative, May 31, 1823....	596
MEXICO	Treaty with. Mexico, February 24, 1841....	241
	Additional Articles with. Mexico, February 24, 1841	248
	Annex A to Treaty; Instructions to Cruizers	249
	Annex B to Treaty; Regulations for the Courts	251
	Annex C to Treaty; Regulations for Liberated Negroes....	255
	Additional Article to Treaty with. Mexico, April 13, 1842....	256
MUSCAT	Treaty with. Muscat, September 10, 1822	274
	Additional Articles of December 17, 1839....	278
	Article on Slave Trade, in Convention of Commerce of May 31, 1839	277
NETHERLANDS	Treaty with. The Hague, May 4, 1818	279
	Annex 1 to Treaty; Instructions to Cruizers	284
	Annex 2 to Treaty; Regulations for Mixed Courts	286
	Additional and Explanatory Articles to Treaty with. Bruxelles, December 31, 1822	303
	Additional Article to Treaty with. Bruxelles, Jan. 25, 1823	305
	Additional Article to Treaty with. The Hague, Feb. 7, 1837	308
NEW CESTOS	Engagement with. New Cestos, January 11, 1841	599
NIGER	Engagement. Aboh, August 28, 1841, ...	609
	Additional Article. Aboh, August 28, 1841, ...	615
	Engagement with the Attah of Egarra. Iddah, September 6, 1841	616
	Additional Articles with the Attah of Egarra. Iddah, September 6, 1841	621
PORTUGAL	Treaty with. Lisbon, July 3, 1842	311
	Additional Article to Treaty with. Lisbon, July 3, 1842	322
	Annex A to Treaty; Instructions for Cruizers	323
	Annex B to Treaty; Regulations for Mixed Courts	325
	Annex C to Treaty; Regulations for liberated Negroes	334
	Additional Article to Treaty with. Lisbon, October 22, 1842	382
SARDINIA	Treaty with. Turin, August 8, 1834	385
	Additional Article to Treaty with. Turin, December 8, 1834	397
SPAIN	Treaty with. Madrid, June 28, 1835	401

	Annex A ; Instructions for Cruizers	 409
	Annex B ; Regulations for Mixed Courts	 411
	Annex C ; Regulations for liberated Negroes	 419
SWEDEN AND NORWAY	Treaty with. Stockholm, November 6, 1824	 442
	Annex A to Treaty ; Proclamation by King of Sweden of February 7, 1823	 449
	Annex B to Treaty ; Extract from the Proclamation of March 16, 1792	 450
	Annex C to Treaty ; Instructions for Cruizers	 450
	Annex D to Treaty ; Regulations for Mixed Courts	452
	Supplementary Papers referred to in Articles III and IV of the Treaty	 473
	Declaration referred to in Article IV of the Treaty....	477
	Additional Article to Treaty with. Stockholm, June 15, 1835	 479
TEXAS	Treaty with. London, November 16, 1840	 481
	Annex A to Treaty ; Forms of Warrants and Orders	491
	Annex B to Treaty ; Instructions to Cruizers	 493
TUSCANY	Convention with. Florence, November 24, 1837	 497
TWO SICILIES	Convention with. Naples, February 14, 1838	 504
URUGUAY	Treaty with. Monte-Video, July 13, 1839	 511
	Annex A to Treaty ; Instructions to Cruizers	 518
	Annex B to Treaty ; Regulations for Mixed Courts....	521
	Annex C to Treaty ; Regulations for liberated Negroes	529
	Additional Articles to Treaty with. Monte-Video, July 13, 1839	 542
VENEZUELA	Treaty with. Caracas, March 15, 1839	 573
	Annex to Treaty, Instructions for Cruizers	 579

LONDON:
PRINTED BY T. R. HARRISON,
ST. MARTIN'S LANE.

THE NEW YORK PUBLIC LIBRARY
REFERENCE DEPARTMENT

This book is under no circumstances to be taken from the Building